

# LAW ENFORCEMENT NEWS

Vol. XXXI, No. 631

A publication of John Jay College of Criminal Justice/CUNY

April 2005

## Giving identification the finger

### Questions surround accuracy of digital fingerprint images

By Jennifer Nislow

The pattern of ridges and whorls that make an individual's fingerprints unique can, when captured as a digital image, be inadvertently altered by the very software police use to enhance details that may have been lost during the digitizing process, according to experts.

Most law-enforcement agencies today have moved on from rolling an arrestee's inked fingers on an index card to what is called a live scan. The subject places his or her clean hands on a computer screen and an optical scanner captures the prints, sending them instantly to state and federal databases for storage and comparison. Over the past 10 years, the number of digitized prints sent to the FBI's Integrated Automated Fingerprint Identification System (IAFIS) database in Clarksburg, W.Va., has grown from a handful to more than 80 percent of the total.

But the technology that has allowed law enforcement to do in seconds what had previously taken days or even weeks has turned out to be both a blessing and a curse. Experts caution that prints which have been digitized and enhanced are not always accurate. The quality, too, remains uneven, they say.

Digital images "give examiners the misleading impression that they're getting a better quality image to examine," said Michael Cherry, an imaging specialist who sits on the evidentiary committee of the Association for Information and Image Management, a business technology trade group. "These images actually can eliminate fingerprint characteristics that might exclude a suspect," he told *The Chicago Tribune*.

In 2001, an FBI-sponsored group of experts was concerned enough that it recommended police agencies

double the resolution of their equipment from 500 pixels per inch to 1,000. Few agencies have made the switch, according to *The Tribune*.

"The quality of the detail...in the [lower resolution] digital image is not sufficient to support a lot of what fingerprint comparisons rely on," said Alan McRoberts, chairman of the working group and editor of the *Journal of Forensic Identification*.

And that has led to another disturbing problem. When police technicians enhance digital prints with software such as the widely popular Adobe Photoshop, additions and subtractions from the image are made which can change the print's characteristics without the program creating a log of those modifications.

"In general, how people like to look at it is you can

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### Budget bombshell:

## FY 2006 could spell doom for COPS funding

Statements by the White House describing the Justice Department's COPS program as "nonperforming" and unable to "effectively demonstrate" an impact on reducing crime added insult to injury in February, when state and local law-enforcement leaders learned that the proposed FY2006 budget makes deep and possibly fatal cuts to the Office of Community Oriented Policing Services and its grants.

In his \$2.57-trillion budget, President Bush proposes cutting funding for the COPS office from the \$499 million it received this year to \$22 million in 2006. Another \$635 million cut in federal grants would eliminate the program's Community Oriented Policing Services Grants and the Byrne Justice Assistance Grants. Overall, the Justice Department stands to lose nine programs worth \$1.5 billion.

The Clinton-era COPS initiative, said the administration, had "not demonstrated" its effectiveness in reducing crime.

"I think it's really going to be felt at the local level," criminologist David Kennedy of John Jay College of Criminal Justice told *The Pittsburgh Post-Gazette*. "I think most states and jurisdictions will have a hard time making up for the lost money."

On the other side of the ledger, funding for the FBI would be increased by 11 percent, bringing the agency's budget up to \$5.6 billion. The money will be used to help the FBI conduct counterterrorism investigations, hire an additional 500 intelligence analysts and provide \$75 million for the Terrorist Screening Center, a project that seeks to consolidate government watch lists, according to a report by *The New York Times*. The money would also allow the

bureau to double the size of its Hostage Rescue Team.

Another \$2.4 billion would go toward state and local counterterrorism training and firearms enforcement programs.

The proposed budget includes a 7.1 percent hike for the Department of Homeland Security, increasing its funding by \$4.1 billion. The Border Patrol would get \$37 million more to hire 210 new agents.

"What our effort here is to try and do is to take the resources that are in a variety of these grants and redirect them into programs that are more essential priorities in the post-9/11 era...in areas like counterterrorism," said a White House budget spokesman, Chad Kolton.

The budget proposal provides no money next year for the COPS office's Interoperable Communications Technology

Grants, Law Enforcement Technology Grants, and other state and local law enforcement assistance initiatives. The National Drug Intelligence Center, which received \$39 million in 2005, would only get \$17 million next year.

"These programs have been the mechanism that allows law enforcement to build a solid foundation," said Gene Voegtlin, legislative counsel for the International

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## No sanctuary from spree of shootings

In the span of just a few weeks, in locations as ostensibly safe as a church, a high school, a courtroom and the home of a federal judge, four gunmen shot and killed more than 20 people in separate incidents from late February to mid-March.

Among the victims were a judge and several law enforcement officers.

In Brookfield, Wis., a member of the Living Church of God walked into a service held at a local hotel on March 12 and opened fire on the congregation. Terry Ratzmann, a 44-year-old computer programmer, got off 22 rounds with his 9mm. handgun. He killed seven people including the church's minister, Randy Gregory, 51, Gregory's 16-year-old son, James, and five worshippers. Four other people were wounded. When it was over, Ratzmann committed suicide.

Police have dismissed the loss of Ratzmann's job as a motive and are focusing on religion as the cause of the rampage.

"We believe that the motive has something to do with the church and church services more so than any other possible motive," Capt. Phil Horter of the Brookfield Police Department told *The New York Times*. "We're looking at the church totality, whether it's members of the church,

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## A touch of evil

### Prof's index plumbs the depths of depravity

For centuries, the nature of evil has been a subject for discourse and debate, among theologians and philosophers. The net result, in the estimation of a psychiatrist at Columbia University in New York, has been a discussion that "talks about it in abstract and not very useful ways — and often in very confusing and inappropriate ways."

Now, says Dr. Michael H. Stone, "the ball is our hands to say something useful" about evil, a term that he believes properly describes the type of savagery committed by the Ted Bundys and the John Wayne Gacys of the world.

Stone, a personality expert at Columbia's Department of Psychiatry and a teacher and consultant at Creedmoor Psychiatric Center in Queens, N.Y., has devised a 22-category hierarchy of evil

based on the crimes of more than 500 subjects. At one end of the spectrum are those who have killed in self-defense and do not show any signs of psychopathy, an extreme mental disorder characterized by anti-social behavior and egocentrism.

At the other end of the scale are psychopaths whose primary motive is torture, such as the Hillside Strangers, Kenneth Bianchi and Angelo Buono, as well as Jeffrey Dahmer and Gacy.

"Evil is obviously not a diagnosis and it's not going to become a diagnosis, but it's a word that has relevance to certain kinds of behavior and acts and people," Stone told *Law Enforcement News*. "There are people who do a once-in-a-lifetime thing under terrible pressure, do one dramatic act that other people wince at and call evil."

Andrea Yates, the Texas woman who

drowned five of her children in a bathtub, was psychotic but obviously not an evil person, Stone said. Yates came from a family who suffered from serious depression and so was predisposed to the affliction. Forced to care for five children under extreme circumstances, she "lost it," said Stone.

He said Yates presents a far different case from that of John and Linda Dollar of Tampa, Fla., a commercial real-estate appraiser and his wife who are due to stand trial in Citrus County for torturing five of their seven foster children. According to officials, the couple locked the children together in a closet at night, withheld food, used a stun gun on them, beat their feet with hammers, and pulled their toenails out with pliers.

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# AROUND THE NATION

## NORTHEAST



**CONNECTICUT** — An off-duty state trooper, Victor Diaz, led Cromwell police on a chase March 6 that reached speeds of over 100 mph. Police said Diaz fled when an officer tried to pull him over for making an illegal left turn. Diaz was combative when officers caught up to him and three officers had to subdue him and put him in handcuffs. His driver's license can be suspended for up to six months pending a hearing for refusing to take a Breathalyzer test.

Hartford Police Chief Patrick J. Harnett presented the city's new community policing plan at a recent business breakfast with the MetroHartford Alliance, a regional chamber of commerce. Harnett explained that the plan separates the city into geographical zones, with captains and lieutenants getting more closely involved with looking at crimes in specific neighborhoods in order to spot patterns. Harnett told the group that crime has dipped overall in his eight months as police chief despite a February surge in violence.

A decorated East Hartford police officer, Thomas V. Castagna, was fired in March for a long history of violating department regulations. Castagna had received two distinguished service honors, a meritorious award and a letter of commendation during his seven years with the force. Chief Mark D. Sirois said, however, that Castagna's behavior was a "classic progressive discipline situation," which tarnished "the good work of the department." Castagna, who has been disciplined 15 times since October 2000 for a variety of infractions, has filed a union grievance over his dismissal.

**MAINE** — The Maine Supreme Judicial Court ruled unanimously in March that municipalities must pay for regional dispatch even if they don't use the services. Penobscot County was sued last year by the city of Bangor, which along with Lincoln are the only two municipalities that don't participate in the regional system. A Bangor official said that the city would probably now have to take another look at using the county's system.

**MASSACHUSETTS** — Boston police Sgt. Joseph A. LeMoure, 44, and Officer Joseph F. Polito, 31, were sentenced to federal prison terms of four and three years, respectively, for obstruction of justice, witness tampering and perjury. LeMoure was charged in connection with his alleged beating of a teenager in 2000, while Polito persuaded three friends to falsely claim they had witnessed the incident and that no assault took place. The witnesses recanted when the teen filed a lawsuit and the FBI launched an investigation.

Yarmouth police responded to a frantic 911 call saying that two men with knives had barged into a home and threatened the residents. When police arrived, the assailants had left, but officers found what they had missed — about eight pounds of home-grown marijuana, growing equipment, and \$3,725 in cash. Three men who lived at the house were arrested and charged with

cultivation and possession of marijuana.

**NEW JERSEY** — Twenty-nine of Camden's 50 most wanted fugitives have been arrested in the two months since a new task force of federal marshals, state and local police, started an intense pursuit of fugitives. The city will soon be getting more help when a Violent Crimes Impact Team led by the Bureau of Alcohol, Tobacco, Firearms and Explosives, is set up to focus on gun crimes.

**NEW YORK** — Suffolk County Police Commissioner Richard Dormer has agreed to end a consulting agreement with his former employer, Sports Plus in Lake Grove. Dormer confirmed that he had a month-to-month agreement with the company but declined to say how much he was paid.

Five New York City police officers were charged in March with accepting counterfeit designer goods in exchange for information and other police favors. The officers allegedly gave one street peddler confidential information about pending search warrants, chased away competitors from a favored selling spot, tipped off a peddler about a seizure of counterfeit goods, and issued a desk appearance ticket to a peddler's associate rather than arrest him on charges of attempted assault. The officers were all assigned to the 13th Precinct in Manhattan.

Reginald Gousse, who is charged with impersonating a police officer and killing a Long Island man, was in this country because he had been shielded from deportation by Queens prosecutors, who helped him withdraw a guilty plea to a robbery in exchange for his acting as a jailhouse informer. The Queens District Attorney said that they went through a lot of trouble to keep Gousse in the country because he was going to provide testimony that eventually did help convict the killers of an off-duty police officer and the owner of a check-cashing store. Gousse, a Haitian citizen, has a long history of police impersonation, armed robbery and kidnapping.

## SOUTHEAST



**ARKANSAS** — Murphy Smith's name appeared on the witness list for Albert K. Smith's capital murder trial because subpoenas went out to anyone who had contact by mail or visited the defendant. However, when he arrived at the courthouse in the company of the defendant's brother, Murphy, a 5-year-old Shih Tzu to whom Albert had written from prison, was denied courthouse access by a deputy. Prosecutor Robin Green said that the dog would have made a cooperative witness, but a telephone call would have sufficed.

Bryant Police Chief Frank Gonzales recently sent letters to 5,000 residents instructing them to cover up the vehicle identification numbers — typically, found on the dashboards of their vehicles — in order to prevent theft. If they comply, however, they might be breaking a state law that makes it a misdemeanor to conceal the VINs. Car thieves have been getting duplicate keys made for vehicles by simply looking through

the windshields to get the numbers and then impersonating the vehicles' owners.

**FLORIDA** — Michele Muccio was promoted in February to assistant chief at the Boca Raton Police Department, making her the first female ever to achieve that rank with the agency. Muccio, who started with the department in 1989 and worked her way through the ranks, replaced Bob Daniels, who retired and is now deputy chief at Florida Atlantic University.

Leaders of the anti-crime group MAD DADS were invited to the office of Delray Beach Police Chief Larry Schroeder less than 24 hours after the shooting death of a black man by a rookie police officer. Jerrod Miller was shot Feb. 26 as he fled in a car across school grounds. Although Schroeder could not provide much information at that point, those he met with said the chief is being solicitous toward a community that is now concerned over the second fatal shooting of a black resident in under six months.

**LOUISIANA** — State Trooper Daniel Garcia was arrested in February on several charges in various incidents. Garcia allegedly pointed a gun at a female acquaintance in one incident and, in another, went to the home of a motorist he had had an encounter with, and brandished his weapon there. He is also charged with unauthorized distribution of criminal history records for giving a printout of someone's criminal record to a female friend.

New Orleans police officials have begun recruiting from the ranks for the special operations division, after the unit was increased from 27 to 40 officers. The division is on the offensive against violent criminals, using DWI checkpoints, beefed-up tactical squads and increased street stops in the city's worst streets in four police districts.

**NORTH CAROLINA** — High Point police and fire officials are eagerly awaiting a new \$7.5-million radio system. Police Chief Jim Fealy said that with the current system, which was constructed in the early 1980s, officers often run into dead zones that which could jeopardize public safety. The new system is expected to be activated in July.

Former Pinebluff police chief Brian J. Wagoner, 30, was killed March 3 in Iraq while working as a private security contractor. He and another contract employee were killed by roadside bomb while guarding the workers of a company the Army hired to collect and destroy captured munitions.

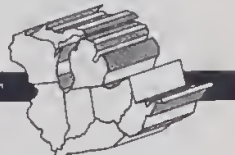
The sister of Mark Alan Gunter, who was shot Feb. 16 by Durham police Cpl. Eric Weaver, told police that her brother was trying to commit "suicide by cop." Gunter was in his driveway with a gun in each of his hands when police responded to a call that a man was trying to harm himself. He refused to drop the weapons and approached Weaver, who opened fire. Gunter, who is expected to survive the shooting, has been in and out of hospitals for mental problems about 20 times in the past 18 years.

**TENNESSEE** — A citywide telephone survey in Chattanooga has found that more than half of the city's residents think the police department is doing a good or excellent job. Sixty-eight percent of whites said the department's performance is good

or excellent — with roughly the same percentage of blacks rating the performance as fair or poor.

**VIRGINIA** — Norfolk police officers recently watched the demolition of the Anchorage Motor Inn, a motel in the Ocean View neighborhood along Chesapeake Bay that was said to have become a "cesspool" of drugs and prostitution. Before the motel was closed down last October, police were called there more than 100 times in less than a year and made dozens of arrests.

## MIDWEST



**ILLINOIS** — The state House of Representatives is considering a bill that would require anyone arrested for a felony to submit a tissue sample for inclusion in the state's DNA database. Currently, only convicted felons are included in the database.

**INDIANA** — A woman says she plans to file suit against the city of Portage because police shocked her son 16 times with a stun gun, causing him to temporarily lose his memory. Police responded to a call that Jim Wring, 18, was choking. When they arrived on the scene, police said, Wring was acting strangely and took an "aggressive stance." They then shot him with a stun gun. Hospital toxicology tests later showed that Wring had been acting strangely because of an episode of hypoxic encephalopathy caused by choking.

**MICHIGAN** — U.S. District Judge Lawrence P. Zatkoff ruled March 3 that there is evidence to suggest that misconduct and mistakes by Clinton Township police were instrumental in the conviction of a man who served nine years in prison for rape before being exonerated by DNA evidence. Zatkoff's ruling came on a motion by the township and its police department to dismiss a lawsuit filed by the exonerated man, Ken Wynemko, 53. The judge said that a detective buried evidence and police failed to disclose that a witness may have lied.

**OHIO** — Some drunken-driving offenders are getting around the state's new law that requires them to use bright yellow license plates by pleading to different charges or having their court hearings delayed.

The officers in Columbus police Precinct 5 are back in their office building after a temporary move to trailers because of concern about mold. Although one officer developed a rash on his face, sparking some concern, tests showed that mold levels were not dangerous. The building was ventilated and leaky ceiling tiles were removed.

**WEST VIRGINIA** — Police and firefighters in South Charleston recently packed the City Council chambers in a silent protest against a possible reduction in their sick leave benefits. In the past, police used to earn extra sick leave when they worked a 12-hour shift or longer, under a proposed new ordinance, they will earn one eight-hour day of sick leave for each month of work.

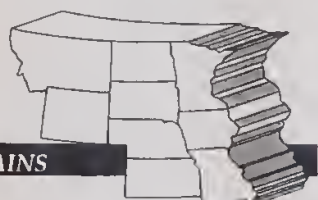
In May, U.S. Customs and Border Protection officers will be getting a new training center near Harper's Ferry. The complex, which will



serve an estimated 12,000 trainees each year, will include a firing range and armory as well as an academic and administration building.

**WISCONSIN** — A German couple leaving their Itzehoe home on vacation set up a loudspeaker with the sound of a crowing rooster to be blasted at the neighbors every morning between 2 and 4 a.m. After receiving complaints, police obtained a warrant and confiscated the gear, charging the couple with bodily harm and disturbing the peace.

Dane County used its reverse 911 system for the first time on March 2 when it alerted hundreds of residents to be on the lookout for a garage burglar. The system was purchased with a federal Homeland Security grant and although it was billed to be used in dangerous law enforcement situations, the department is also planning to use the system for more precautionary activities and community policing.



## PLAINS

**IOWA** — In response to an incident two years ago in which a stun gun was used on an intoxicated man, Des Moines Police Chief William McCarthy said that the department will review its policy on the weapon's use. McCarthy added that the stun gun probably should not have been used in that case.

Anthony Hollen, who was already in jail for sexually assaulting a minor, has had 56 years added to his sentence for a 2002 sexual assault, after DNA from a cigarette found at the crime scene matched Hollen's. The case marked the first time that Cedar Rapids police had used the state's DNA database to close an unsolved crime. Although state law allows the collection of DNA samples from all convicted felons, a crime lab supervisor said inadequate funding has caused the system to operate at a fraction of its potential.

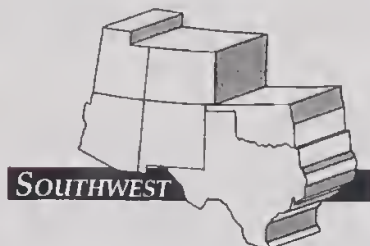
**MINNESOTA** — Roseville Police Officer Won Chau recently used his Taser on a 15-year-old who returned to school after being suspended and refused to leave, then became unruly when Chau tried to remove her. She was arrested and pleaded guilty to charges stemming from her removal from the school. A spokesperson for the school district said that there was little reaction from parents, teachers or students.

**MISSOURI** — Former St. Louis County police officer Thomas Zeigler has been fined \$5,000 and sentenced to three months in jail after being convicted of assault and possessing cocaine and marijuana. Zeigler was charged with shooting his lover, fellow officer Patricia March, in March 2003 after she threatened to end their relationship. Zeigler testified that March shot herself.

Former Webster County reserve deputy Terry Voss has been sentenced to one year of unsupervised probation after entering an Alford plea on four counts of falsely impersonating an officer and three counts of false imprisonment. Witnesses said that Voss made traffic stops in unmarked vehicles.

Voss had reportedly told the sheriff that he was licensed as a peace officer but that the records of his previous training were burned in a fire. An Alford plea is used when a defendant does not admit to wrongdoing but the prosecutors have enough evidence to secure a conviction.

**SOUTH DAKOTA** — Twenty-five of Aberdeen's 30 police union members recently voted no confidence in Chief Don Lanpher Jr.'s leadership of the department. A statement issued by the local Fraternal Order of Police lodge also mentioned the city's settlement with former officer Brent Koens, who was fired by Lanpher but declined to accept his job back when reinstated by the city commission. Instead, he settled for \$8,000 in back pay and what the union called a large amount from the city's insurance company. Another officer is currently in settlement negotiations with the city.



## SOUTHWEST

**ARIZONA** — Following a review, the Mesa Police Department is considering a more restrictive policy to govern the use of stun guns. The current policy allows officers to use the weapon on suspects who assume a fighting position or who seem about to attack.

An internal affairs investigation has concluded that ex-Tucson police officer Jacob Wycoff used his badge to curry sexual favors from women. In one case, Wycoff began a sexual relationship with a 19-year-old woman just hours after arresting her boyfriend for domestic violence. In another, he asked a woman on a date after she was badly injured in a traffic accident. Wycoff resigned from the force in October.

**COLORADO** — Denver police officers Brett Willcockson and Marisa Hubert, who arrested a soon-to-be judge on Jan. 7 for refusing to take a blood-alcohol test, are offended by his accusations of racism. Vincent White claims that he was pulled over because he is black, but the officers say they smelled alcohol on his breath and noticed that his eyes were bloodshot before asking him to submit to the test. The officers say that White, who was sworn in as an Arapahoe County district judge on Feb. 18, was asked to submit to a sobriety test after being pulled over for doing 60 in a 35 mph zone.

**NEW MEXICO** — Highlands University police officer Michelle Espinoza is suing the city of Las Vegas, N.M., and two city police officers for emotional distress, alleging that the officers arrested her for driving with a suspended license when it had been reinstated. In the suit, Espinoza said she told the officers her license had been reinstated but when she presented her valid ID, the officers cuffed her and put her in the back of their cruiser. They let her go when dispatchers confirmed that her license was valid.

Hobbs Police Chief Kenneth Bohn has asked the FBI to conduct a preliminary investigation into a fatal police shooting of a Mexican immigrant on Jan. 19. Officer Reid

Gunter spotted Francisco Barva riding a mini-motorcycle an hour after he had been warned that the bike was not street legal. Barva fled and Gunter tackled him. Gunter said that he was staring down the barrel of a gun when he drew his own weapon and shot Barva. Several witnesses, all of them Barva's friends, dispute the officer's story about Barva pointing a gun.

Taos County sheriff's deputy Lori Garcia says that a decal depicting a bullet hole on her patrol car's front panel is an attempt to mock her because her patrol car was fired on in December after she filed a sexual harassment charge against a fellow officer. Garcia's complaint charges that another officer, the sheriff's brother, made unwanted advances at her while they were out on surveillance. The shooting of her vehicle is under investigation by the state police.

**TEXAS** — Five police officers and four dispatchers in Austin have been suspended after "inappropriate" computer messages were sent back and forth during and after a fire at an Austin nightclub. Messages saying "burn baby, burn" and alluding to the song "Disco Inferno" were sent back and forth about the club. Police answered 129 calls to the club last year on reports of stabbings, gunshots and public intoxication.

Texans who drink and drive and then refuse to submit to a blood-alcohol test are getting off easier than those who agree to the test, according to The Austin American-Statesman. Of the 43 percent that refused the test, many received a six-month license suspension, instead of a misdemeanor drunken-driving conviction. Law enforcement groups are calling for legislation that would criminalize the refusal to take such a test.



## FAR WEST

**CALIFORNIA** — The Los Angeles Police Department is investigating an incident in which a county sheriff's deputy as well as a suspect who was threatening him were both wounded by LAPD officers. Deputy David Long requested backup after confronting a man who was behaving strangely. When officers arrived, the man was holding several objects and threw one at an officer. A second officer fired a stun gun and the man, who was holding a metal object, charged at him. Two other officers fired their service weapons, wounding the suspect and the deputy. Long's body armor protected him from serious injury.

The Visalia Police Department is joining with nearly 20 other agencies in the central San Joaquin Valley in a partnership with Lojack, the manufacturer of a wireless tracking system for locating stolen vehicles. Lojack will install tracking units in six Visalia patrol cars at no charge.

Despite the fatal police shooting of a 13-year-old black youth in February, Los Angeles Police Chief William Bratton is still getting a high approval rating from residents. A recent telephone survey found that 63

percent approved of Bratton's leadership. Black voters remained split about his job performance.

Top law enforcement officials from at least eight counties are fighting to preserve the Central Valley Rural Crime Prevention Program. Among other functions, the program helps stop rural property crimes like thefts of machinery, chemicals, animals and fuel. The program will end on July 1 unless extended by law.

The Los Angeles Police Commission has cleared detectives Anthony Avila, Robert Kraus and Christopher Brazzill of any wrongdoing in the 2003 fatal shooting of two robbery suspects. After the shooting, the detectives told investigators that the men and one other suspect were armed. No handguns were found at the scene, although one was found in a getaway car that was used in the robbery of beauty salon.

Legislative and law enforcement officials met in Fresno March 3 to protest President Bush's proposal to end a program that partially reimburses counties and states for jailing illegal aliens. State Senator Gloria Romero of Los Angeles said that the federal government currently pays only about 11 percent of the state's total cost for incarcerating foreign nationals.

**NEVADA** — Faced with heavy attrition rates among Highway Patrol troopers and parole and probation officers, Nevada Public Safety Director George Togliatti has appealed to the Legislature to approve a department restructuring that would make it easier for personnel to transfer among divisions and throughout the state, thereby improving retention rates.

The Los Angeles Police Department recently turned the tables on its counterparts with the Metropolitan Police Department in Las Vegas by sending a team of recruiters to Las Vegas to seek candidates. LAPD recruiters tout starting salaries that range between \$49,152 and \$53,119. Clark County Sheriff Bill Young said he does not believe the LAPD's campaign will hurt his agency, pointing out that many recruits prefer Nevada to the overpriced, overcrowded city of Los Angeles.

**WASHINGTON** — In a move aimed at saving money, the King County Prosecutor's Office will turn over cases involving drug paraphernalia residue to city prosecutors. Such cases were typically handled by county prosecutors who would go through a lot of trouble to work the cases up, and then the defendants would almost always plead out to attempted possession, a gross misdemeanor. Seattle City Attorney Tom Carr said that he did not expect the additional 14 or 15 cases a month to pose a big problem for his office.

According to a yearlong administrative investigation, Tacoma Assistant Police Chief Catherine Woodard broke city rules by doing nothing despite her knowledge of sexual harassment charges, death threats and domestic violence involving Police Chief David Brame. The findings will be used in the lawsuits resulting from Brame's 2003 fatal shootings of his estranged wife and himself. The inquiry also concluded that in the wake of the shootings Woodard removed documents from hers and Brame's offices, possibly shredding them.



# Behind the scenes, analysts lead the way

They speak at least five languages among them, have taught at Ivy League schools, and hold a variety of advanced degrees. But instead of working in the far more lucrative private sector, these highly-trained civilians are key players in the New York City Police Department's counterterrorism efforts.

The NYPD's counterterrorism analyst program, conceived late in 2001 by Police Commissioner Raymond W. Kelly, is considered the first of its kind in the nation. Terrorism experts say that the analysts hired by the NYPD are as skilled as any in the federal government.

The analysts' task is to help the department sort through a flood of information that comes in everyday from confidential informants, interrogations and surveillance operations. The department also has 1,000 employees who work only terrorism-related issues, and liaison officers in Britain, France, Israel, Canada and Singapore who file daily reports on developments overseas. The NYPD's telephone tip line receives 150 calls a day.

"I knew in putting these things together that we needed professional analysts to synthesize the information coming in from a variety of sources," Kelly told The New York Times. "So we reached out."

Among the first to be hired in 2003 was Laura J. Mendelson, the only analyst so far with the clearance needed to see classified federal documents. Others are expected to receive clearance soon, according to David Cohen, the NYPD's deputy commissioner for intelligence. Mendelson speaks fluent Arabic and has worked in the Middle East and North Africa.

The unit also includes Madeleine Gruen who received a master's degree studying with Rohan Gunaratna, considered the world's foremost expert on Al Qaeda. Another

analyst worked for the Council on Foreign Relations, and another speaks Armenian, Romanian, German and Spanish and has a background in intelligence.

Five of the analysts work in the department's intelligence division in quarters discreetly sited above a Manhattan shopping mall. They work in an operational capacity alongside Arabic and Farsi linguists, detectives and liaison officers.

The NYPD also has a counterterrorism base in Coney Island. The three analysts assigned there do more academic work, focusing on radical religious groups in the Middle East and South Asia. There is also a small counterterrorism library that is still

only available to those in the division.

"Our mandate is to contribute to the fight on the front lines," Gruen told The Times. "It's not just about finding out the motives and ideology of the guy who puts a bomb in a garbage can; it's about finding out what kind of bomb he used."

After the deadly train bombing in Madrid last year, the NYPD sent four of its officers to Spain, arriving there before the FBI team did. Back in New York, officers were already conducting drills based on what their colleagues had found in Madrid.

Analysts assessed the reports from Spain and — like all their reviews of major terrorist attacks do — ended with sections

on best practices and lessons learned.

Michael A. Sheehan, the NYPD's deputy commissioner for counterterrorism, said the department is planning to hire more analysts and develop a career ladder for them. Analysts earn from \$55,000 a year to \$75,000 — less than they would make if they worked for private security companies, as some have.

"Fighting terrorism is largely about information and the NYPD has been out front in making sure they harness that information," said Bruce Hoffman, an authority on terrorism and the director of the Rand Corporation's Washington office. "The civilian analysts have been essential to that."

## DHS Ops Center focuses on "incidents" while keeping an eye on the big picture

Connecting the dots in the war on terrorism is the mission of staffers at a two-year-old Homeland Security Operations Center that collects and analyzes data received from local police, private individuals and federal agents.

The HSOC is located in a residential neighborhood five miles from the White House. Information gathered by its staff on a round-the-clock basis will feed directly into the National Counterterrorism Center being set up in Northern Virginia.

While probably 95 percent of the "incidents" that are investigated will turn out to be nothing, said the center's director, retired Marine brigadier general Matthew E. Brodenick, a seemingly inconsequential item "may be another piece of the mosaic. It may be that little

key to the puzzle that will help break open a case."

Brodenick told The Atlanta Journal-Constitution that his personal mandate is to break down the barriers to information sharing among agencies in the intelligence community. Posted on a hallway entrance door, in fact, are the words "Our mission is sharing information."

Last December, Brodenick infuriated federal agencies when 60 pages of morning memos posted on an Internet site run by the Department of Energy were picked up by The Associated Press. These included reports about a traveler arrested at the Memphis airport with a razor in his shoe, and two Ukrainians who tried to enter the country with fake Israeli passports.

The memos, said Brodenick, were not classified and did not compromise any

investigation. They were "one level about what my grandchildren can read," he said.

No cubicles subdivide the HSOC facility, where representatives from different agencies sit close together in a room dominated by a giant video screen with a computer-generated image of the United States. The screen can be programmed to show, for example, where all of the nation's nuclear power plants are, with dots marking suspicious activities that have occurred near those facilities.

Another screen can tune in to more than a dozen security cameras installed by the Washington, D.C., Metropolitan Police Department around the city. During the presidential inauguration on January 20, the HSOC's team was able to view protests and other scenes from around the capital.

## LAW ENFORCEMENT NEWS

Founded 1975.

A publication of

John Jay College of Criminal Justice,

City University of New York.

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Law Enforcement News is © 2005 and published monthly by LEN Inc. and John Jay College of Criminal Justice, 555 West 57th Street, New York, NY 10019. Telephone: (212) 237-8442. Fax: (212) 237-8486. E-mail: len@jjay.cuny.edu. Web site: www.lib.jjay.cuny.edu/len. Subscription rates: \$28 per year. Advertising rates available upon request.

Requests for permission to reprint any portion of Law Enforcement News in any form or medium should be addressed to Marie Simonetti Rosen, Publisher. ISSN: 0361-1724. Law Enforcement News is available in microform from University Microfilms Inc., 300 North Zeeb Road, Dept. PK, Ann Arbor, MI 48106.

## Tribal police want their fair share of access to California LE database

California's tribal police chiefs are charging that discrimination lies behind the state's refusal to allow their departments to access either state or federal law-enforcement databases.

According to Stan Kephart, police chief of the Cabazon tribe and member of the California Tribal Police Chiefs Association, tribal police are the only federal entities in the state that are not allowed into the California Law Enforcement Telecommunications System (CLETS) — the gateway to the National Crime Information Center.

"The state of California does not recognize us as state police officers and indeed we are not," Kephart said in an interview with Law Enforcement News. "We are federally commissioned. Albeit the state of California allows access by other federal agencies such as the FBI, the U.S. Marshals Service, etc. They have taken a particular dislike for whatever unknown reason to the thought of tribal police having access to a database that we put into."

The state attorney general's office controls CLETS. Access to the database is restricted to "sworn peace officers" employed by cities, counties and federal agencies. California law makes no provision for officers working on tribal land.

"Tribes do have their hands tied," Mike

*"They have taken a particular dislike for whatever unknown reason to the thought of tribal police having access to a database that we put into."*

— Police Chief Stan Kephart

Smith, interim director of the U.S. Bureau of Indian Affairs, told The Associated Press.

State officials, however, say they fear that tribal officers could not be held accountable if information from the database were misused.

"Tribes are sovereign, not bound by state law," Nathan Barankin, a spokesman for California Attorney General Bill Lockyer, told The AP. "So unless the tribe is willing to waive its sovereignty in some way or a state or local agency wants to assume accountability on behalf of the tribe, there's no way to make a tribe bound by California law."

Last year, the tribal chiefs association sought a court order requiring the state to give it database access. A ruling is expected this month.

The plaintiffs do not question Lockyer's authority to declare tribal agencies not entitled to tap into CLETS and NCIC, said Kephart. What they take issue with is whether it is right for him to do so.

Kephart's department of 22 sworn officers polices a 2,900-acre jurisdiction with gambling interests, a hotel and an indoor amphitheater that seats 4,500. The number of visitors expected next year, he said, will be double the 1.8 million counted in 2004.

The reservation is next to Indio, the largest municipality in the Coachella Valley. There are 29 Indian residents who live there, but the rest are American citizens who "come in all different flavors," Kephart said.

Kephart's officers deal with murders, rapes, robberies and burglaries on tribal land, just as municipal and county law-enforcement personnel do.

"The need and necessity for my officers, from an officer safety standpoint as well as service standpoint to protect citizens, is to be able to access these databases that we're entitled to, that the federal government says we're entitled to," he told LEN. "It makes no sense to disenfranchise us from it."



# Texas cops see red over racial profiling data

The racial profiling law in Texas should be modified to exempt those situations in which police have no discretion over whom they come in contact with, Houston Police Chief Harold Hurtt said last month, after releasing statistics that showed blacks being stopped at higher rates than either whites or Hispanics.

The Houston Police Department was one of a number of agencies in Texas that, pursuant to a 2001 state law, issued reports during February and March showing the racial breakdown of people stopped and searched last year. Under the law, all departments must submit such data each year to their local governments by March 1.

Of the 785,000 people stopped by Houston police last year, 36 percent were black, 31 percent Latino and 29 percent white. The city's racial makeup, however, is 25 percent African American, 40 percent Hispanic, and 29 percent white, according to U.S. Census data.

Hurtt said the law does not take into account that police have no discretion when it comes to warrant stops or requests for service. Not exempting such data causes the traffic-stop numbers to be skewed, he said.

Hurtt also asserted that the law should be changed so that police agencies are required to collect data on traffic stops whether or not a ticket is issued. As it stands now, officers only collect information on race when a stop results in a citation or arrest.

The statistics reflect that high-crime areas will continue to receive the most attention from police, said Hurtt.

"If you're involved in high-crime areas, and we've been responding to a lot of calls there, or had investigations and made arrests there, yes, we're going to continue to respond to those areas," he said during a news conference at police headquarters. "And people who frequent those areas have high probability of contact with the Houston Police Department."

Among blacks stopped by Houston police, 21 percent were arrested, 44 were percent released, and 35 percent were issued

citations. Hispanics who were stopped were arrested in 20 percent of cases, released 33 percent of the time, and received tickets 47 percent of the time. Sixteen percent of whites were arrested, 32 percent released, and 52 percent ticketed.

Also released last month was a new study by a group calling itself the Texas Criminal Justice Coalition, which examined the 2003 stop-and-search statistics of more than 1,000 law-enforcement agencies statewide.

Two-thirds of departments said they searched black and Hispanic drivers at rates higher than that for whites, according to the report. Of those departments, 51 percent said they found contraband on whites at a higher rate than African Americans, and 58 percent said they found it on more whites than on Hispanics, the report said.

In Austin, one of the departments studied, a revamped consent search policy has helped reduce the number of searches from 2,141 in 2003 to 804 last year. The drop of more than 60 percent exceeded by 20 percentage points the goal set last year by Chief Stan Knee.

A spokesman for the department, Kevin Buchman, said officers are now required to obtain written consent in addition to verbal permission. If the officer cannot get consent, there is no search.

The methodology of the coalition's study was criticized by Tom Gaylor, the executive director of the Texas Municipal Police Association, who told The Austin American-Statesman that it "doesn't take into consideration all of the factors that influence an officer when he decides he needs to search a vehicle."

The same concern applies to reports issued by individual agencies, such as the police departments in Amarillo and Canyon, and the Randall County sheriff's office, said officials from each of those agencies.

"Our figures show there is a disparity between the number of stops and the demographics of our community," said Amarillo Chief Jerry Neal told The Amarillo Daily News. "However, the report doesn't

take into the account the deployment of officers, the calls for service and directed patrols."

Blacks make up 6 percent of the city's population, but accounted for 21 percent of consent searches. Hispanics make up 22 percent of the populace and were involved in 41 percent of searches in which police claimed probable cause.

Directed patrols, said Neal, have been stepped up around suspected drug houses, areas of gang activity and some parks, based on residents' complaints.

The Randall County Sheriff's Department and the Canyon Police Department also felt that the state law did not take into account directed and community-oriented policing.

Chief Deputy Dave Thurman said the agency's SOBER program accounted for many of its stops and searches. Formally

## To police, "Rat" Web site is nothing but cheesy

While its disclaimer states that information posted on the "Who's a Rat" Web site should be used for entertainment purposes only, state and federal law enforcement agencies find nothing amusing about a site that provides profiles of nearly 800 alleged informants and undercover officers.

The site was launched last August by Sean Bucci, a 31-year-old Boston man who is awaiting trial on federal charges of marijuana conspiracy. It allows users from around the globe to post the names, ages, location, occupation and any other pertinent information about law-enforcement agents and suspected informants. "Who's a Rat" also posts photographs, past illegal activity and criminal records.

Anthony Capone, a spokesman for the Web site, said it exists to help criminal defendants and their attorneys gather dirt on those who might have turned them in. Those who access it fall into two categories, he said: Those who are curious after having read

known as the Sheriff's On Beat Enforcement Remedy, the initiative targets underage drinkers by focusing on areas near bars and liquor stores.

While Hispanics make up about 10 percent of the county's overall population, they accounted for 16 percent of drivers and pedestrians stopped, and 33 percent of searches.

The report also indicated that blacks, who account for just 1.45 percent of the county's population, were also stopped and searched at higher rates per capita than whites.

Canyon Police Chief Bobby Gniffin contended that until a traffic-sampling study is conducted of the racial and ethnic breakdown of drivers on U.S. Highway 87, which runs through the center of the city, an accurate demographic baseline cannot be developed.

about "Who's a Rat" on a blog or in an article, and those who want information about snitches and undercover police that can be used to discredit them in court.

None of the postings are vetted.

"You're going to find a mixture of truth and fiction because pretty much anyone can go on and post," said a woman who publicly fingered a Tewksbury, Mass., man as a snitch. The woman told The Boston Globe that she had posted information about others she did not believe were informants.

So troubling is the site that the U.S. Department of Homeland Security has issued a warning to its employees to stay away from it. An advisory by the agency warns that a "danger exists for exploitation by criminal and/or terrorist entities." Even visiting "Who's a Rat," the DHS said, could provide Web site administrators with information about government computer networks, The Globe reported.

Law enforcement officials in Oklahoma have also issued a warning about the site, claiming its existence could imperil undercover agents and informants.

The site claims 7,000 registered members, and has received an estimated 1.5 million hits. Operators say they are not looking to get anyone hurt. The site asks that people only post information about nonviolent crimes.

"Who's a Rat" is protected by law. Capone maintained. Last year, a federal judge in Alabama ruled that a Web site operated by a Montgomery businessman that posted pictures and names of government agents and informants scheduled to testify against him in drug conspiracy and money laundering case was protected under the First Amendment.

As further protection, "Who's a Rat" uses a computer server based in India.

The Ethics Scoreboard, a Web site created by ProEthics, LTD, a Virginia-based ethics training and consulting firm, was harshly critical of "Who's a Rat," singling it out as its Unethical Website of the Month last August.

"By exposing the identities of agents and informants in sufficient detail to make them targets, 'Who's a Rat' is dangerous, and may well find itself in serious trouble when a 'rat' is exterminated by one of Bucci's site visitors," The Ethics Scoreboard observed.

## TIME CAPSULES

Events in criminal justice from 25 years ago — April 1980 — as reported in *Law Enforcement News*.

◆ Congress begins considering an amendment to the Public Safety Officers' Benefits Act that would provide death benefits to the survivors of federal law enforcement officers who are killed in the line of duty. Federal officers were not included in the original 1976 law.

◆ The FBI reports that the 105 law enforcement officers were killed in the line of duty in the United States in 1979, a 13 percent increase over the previous year. Firearms were used in 95 percent of the slayings.

◆ Coast Guard officials warn that rising fuel costs, coupled with the reluctance of an inflation-conscious Congress to approve a supplemental budget request, may impede the service's drug enforcement efforts off the South Florida coast. Fuel that had cost 61 cents a gallon at the beginning of the 1980 fiscal year had spiraled to a current price \$1.29 a gallon, and was expected to affect anti-drug operations by the Customs Service as well.

◆ In a 6-3 decision, the U.S. Supreme Court rules that police officers must obtain a warrant before entering a suspect's home to make a routine arrest. The ruling does not cover emergency circumstances, such as a fleeing suspect, in which cases

police will still be allowed to make a warrantless entry and arrest.

◆ New York City police Lt. David Durk, a key figure in exposing systemic police corruption in the early 1970's, announces his retirement from the department at age 44.

◆ Prince George's County, Md., Police Chief John E. McHale Jr. is widely lambasted after he becomes the nation's first top law enforcement executive to publicly support the legalization of marijuana. McHale says police anti-marijuana efforts are "a war you can't win," and says legalization of the drug would help reduce street crime. His boss, County Executive Lawrence J. Hogan, calls McHale's position "a temporary lapse of sanity."

◆ With the Republican National Convention due in town in the summer, Detroit Mayor Coleman Young unveils an austerity budget that calls for the layoff of 703 police officers. Young said no layoffs would be necessary if the city wins its appeal of a court ruling that ordered the city to provide police and firefighters with more than \$50 million in back pay.

◆ In a shakeup of the Chicago Police Department's upper echelons, former acting Superintendent Joseph G. DiLeonardi is demoted to captain, and he reacts to the move by accusing city officials of tailoring the department to specifications dictated by organized crime.



## Return of a legend

While former Richmond, Va., detective C.T. Woody mulls over a run for sheriff, Police Chief **Rodney Monroe** is keeping him busy helping to put together the best team for the department's new homicide unit.

Woody, 59, is considered something of a legend. A 35-year veteran who investigated murders in Richmond for 22 years, he joined Commonwealth's Attorney **David M. Hick's** office in 2002.

"Sometimes, I miss it very much," Woody told *The Richmond Times-Dispatch*. "The challenges. Solving the puzzles. But I would not want to just go back because of what I have done, but what I am going to do."

The department is creating a special squad within its violent crimes unit that will investigate only homicides, serious assaults and police-related shootings. In addition, its ranks will be expanded with the addition of as many as 15 detectives. Monroe said he will assemble a unit by looking within the department and to retired investigators.

Woody and others will sit on a panel that evaluates candidates to see if they are "homicide material," he said. "I'm happy to help the police department any way I can."

In the meantime, Woody is still considering whether to challenge City Sheriff **Michelle Mitchell**, who was first elected in 1993. Although federal authorities investigated her use of inmate collect call commissions and jail canteen profits in 2002, no charges were ever filed.

Woody said he is in the "opening stages" of deciding whether to run.

## A step down

Aurora, Colo.'s well-liked police chief demoted himself to captain last month before giving city officials the chance to do so in the fallout from a botched case involving a convicted sex offender.

**Ricky Bennett**, 48, voluntarily stepped down in March to become a district captain. A 25-year veteran of the agency, Bennett was named chief in 2002. Nearly 100 people, including off-duty officers, recently gathered in a grassy area under Mayor **Ed Tauer's** office window in a show of solidarity for Bennett. A crime lab employee held up a sign reading, "We love our chief. Leave him alone."

The case began in November when **Brent J. Brents**, a convicted child molester, told police he had fondled his girlfriend's 8-year-old son. Miscommunication between the Aurora Police Department and the Arapahoe County Sheriff's Department resulted in an arrest warrant for Brents languishing for two months. By the time it was issued, Brents was gone. He was captured in February, but not before going on a spree during which, officials say, he raped and assaulted women and children.

City Manager **Ron Miller** and Deputy City Manager **Frank Ragan** also took heat over the Brents case. Both were suspended for two weeks.

"It's not the sort of thing that warrants the discipline that's being passed out,"

Officer **Tracy Rogers** told *The Denver Post*. "I believe the chief is in control of the department. He hasn't let the investigative process slip by. To discipline him for that is inappropriate."

Bennett's resignation as chief took effect on March 4. As a captain, he will earn roughly \$110,000, as chief, he made \$123,521. He will oversee 250 patrol officers, sergeants, commanders and other personnel assigned to the district.

"I think it was clear that he would no longer be able to lead the department," Councilman **Steve Hogan** told *The Post*. "A situation like (the Brents case) sets the stage that's tough to come back to and try to pick up the pieces."

As part of the shakeup, the department will overhaul its procedures regarding crimes against children. Key changes include: The creation of a new crimes against children unit; mandatory training of detectives assigned to that unit in legal issues and voluntary statements; a special victims unit at the county district attorney's office that will conduct interviews of all adults suspected of assaulting a child; and 90-day assignments to the crimes against children unit so that officers can get specialized instruction in handling such cases.

The return of Sgt. **Don Black** from a suspension ordered by Bennett occurred just two days before the chief stepped down.

Black, who served on the department's SWAT team, got into a shouting match with Bennett over a protective shield Black had designed. Made of from chain-link fencing, it allows officers to get closer to people in crisis without risk to themselves.

"You can't do police work and always stay back 21 feet," Black told *The Rocky Mountain News*. "(But) if you get too close, you are going to have to shoot them. It's not fair to officers to put them out there and force them into these situations, and it certainly isn't fair to the public."

Black was apparently angered by Bennett's reluctance to add the shield to the department's arsenal. A discussion became so heated that a woman passing by called for help. Although Bennett sought a 240-hour suspension, it was negotiated by the city's police union down to 30 hours.

## Getting a big head

A 12-foot tall stainless-steel sculpture of a policeman's face that has been likened by various observers to a gladiator's mask, the Sphinx or Orwell's Big Brother has gotten mixed reviews in Richmond, Va., where it hangs outside of the city's police headquarters.

The work, titled "The Thin Blue Line," was created by artist **Michael Stutz** and commissioned by Richmond's 11-member Public Arts Commission. The piece was the winner from among 63 proposals submitted to the panel.

Art for city buildings or public-works projects in Richmond is paid for with 1 percent of the budget on any such edifice that costs more than \$250,000 to build.

Stutz's sculpture was erected at a cost of \$140,000.

While the commission adheres to "no particular aesthetic," said commission co-chairwoman **Rita McClenny**, it does "have a vision, that public art should enrich the city,"



**The Thin Blue Line...**  
or police-oriented Pez dispenser

she told *The Richmond Times-Dispatch*. "Each piece of public property has its own unique characteristics, and the art installed there should relate to the environment."

McClenny is director of the Virginia Film Office. The commission, formed in 1991, is composed of artists, art educators and architects.

Some have called the face "strong yet not intimidating," and its size "impressive." **Mark Holmberg**, a columnist for *The Times-Dispatch*, called the piece "one of the best examples of public art this city has seen in recent memory." Other comments that appeared in Holmberg's column in February were less generous. One man said the head "would perhaps look better on a giant Pez dispenser."

## Home grown

Baltimore officials last month made good on a promise not to bring in any more New Yorkers to run the city's police department when they confirmed Leonard Hamm, a homegrown officer, as commissioner.

The 55-year-old Hamm was brought out of retirement in November to serve as interim commissioner. Since leaving the agency as a major nine years ago in a dispute with a supervisor, he has worked in a variety of law-enforcement positions including head of security for the Downtown Partnership, and chief of police for both the city school system and Morgan State University.

But of all the qualities that make Hamm a seemingly good fit as the city's police commissioner, among the most significant is that he was born and raised in Baltimore. In recruiting former top cops from the New York City Police Department, Mayor **Martin O'Malley** had hoped they would bring some of their crime-fighting savvy how to Baltimore. It did not work out that way.

**Edward Norris**, who had been one of the architects of the NYPD's Compstat system, was one step ahead of the law when he left Baltimore in 2002 to assume command of the Maryland State Police. He ended up pleading guilty to charges that he and his second-in-command — another

NYPD transplant — looted a police charity fund of tens of thousands of dollars, which they spent on women, liquor and expensive hotel rooms. Norris served a six-month sentence.

**Kevin P. Clark**, who succeeded Norris, was fired last year amid the continuing fallout from domestic violence charges that were leveled against him.

Hamm is the department's fourth commissioner since 1999. Another, **Ron Daniel**, resigned after only 57 days, complaining of too much interference from New York City consultants.

Hamm is not without skeletons in his own closet. He neglected to disclose that in 1997 he filed for bankruptcy just days before a promotion doubled his salary. By reporting an annual salary of \$28,000, the bankruptcy allowed him to shed \$21,300 in debt.

During his confirmation hearing, Hamm told the City Council that he would be targeting specific neighborhoods in the Western, Eastern and Northwestern parts of the city where crime was particularly brutal. These would be "mini-districts," he said, and would receive additional officers, equipment and surveillance cameras.

Hamm appointed eight new commanders — some of whom have come out of retirement — while he served as interim commissioner.

## Man of the moment

Arcola, Texas, officials conceded that when they chose Fort Bend County sheriff's deputy **Donald T. Chaney** as chief in February, they were less interested in looking for "chief right," than they were in looking for "chief right now."

The 29-year-old Chaney has spent nine years in law enforcement. He was a sergeant when he resigned after five years from the Richmond Police Department to join the sheriff's agency. As a deputy, he routinely patrolled Arcola, which has just over 1,000 residents.

Chaney's confirmation in February caused dissension between the municipality's five council members and its mayor. It also led to the resignation of City Administrator **Albert Tibbs Jr.**

While Mayor **Alvin Gipson** said he would make the best of the situation, he had strongly objected to Chaney's appointment. Gipson had narrowed a list of candidates from 24 down to six from which he wanted the council to make its choice. But the council did not wait to consider Gipson's candidates before confirming Chaney.

Council member **Rosie Rojas** had moved that the council approve Chaney, which it did by a vote of 3-2.

Rojas, who has been accused of strong-arming officials into lining her pick, said she was only trying to expedite matters. She and council member **Tom Tuffley** were part of a search committee that Gipson ultimately disbanded after they came up with only one name: Chaney. Gipson had asked for three candidates.

The town needed a chief, said Rojas in her own defense. It had been without one since November when **Richard Smith** stepped down amid complaints that he dismissed traffic tickets for motorists.

"Our officers need leadership," she told *The Houston Chronicle* in January.



"(Chaney) may not be the best candidate, but he's an honest person and has integrity."

Arcola must still replace Tibbs, who quit over what he called the irregularities in the selection process for the chief.

"I had a problem with Rojas attempting to push Chaney through," he told *The Chronicle*. "It's intolerable when I'm trying to do my job of upholding codes and regulations of the city and you have cohorts who are constantly shooting me down."

As for Chaney, he is looking forward to leading the eight-member police department. With the Richmond force, he won an award in 1998 for his community-policing efforts. In Arcola, Chaney said he wants to launch neighborhood watch and "senior check" programs.

"I want to take my department from begin reactive to proactive, where officers make their own calls," he told *The Chronicle*. "I expect self-initiated activities — getting out of your car instead of riding around."

About officials' less-than-enthusiastic welcome, Chaney said that as long as he did his job to the best of his abilities, he does not foresee a problem.

"Their main concern was that I'm going into this (job) so young, and that I have never been a chief of police," he said.

## Not in it for the money

After putting in tens of thousands of unpaid hours with the San Diego Police Department, 78-year-old reserve Capt. Ray Webb said goodbye to all that last month.

The man whom San Diego County Sheriff and former police chief Bill Kolender called an "institution" began volunteering with the agency 41 years ago when Lyndon B. Johnson was president.

Over the years, Webb has had his share of hard knocks. Once his teeth were bashed in, he said, and another time he was knocked unconscious when a bottle was broken over his head.

Webb carried a gun, just like a full-time officer, but never had occasion to fire it. He underwent the same training as sworn personnel, and wore a badge. Most of his duties involved backing up full-time officers as they patrolled the city.

Kolender noted that Webb has given more than just his time to the agency; he gave it his son-in-law, Officer H. Keith Tiffany, who was fatally shot along with his partner, Ronald Ebeltoft, in 1981 when responding to a neighborhood dispute.

"Ray is an inspiration to all of us," said Capt. Joel Bryden, commander of the department's Central Division in Logan Heights, where Webb finished his career. "He did everything our paid officers did," he told *The San Diego Union-Tribune*. "If they felt like calling (in) sick, and they'd see Ray out there, they'd change their minds."

A veteran of World War II and the Korean War, Webb served 20 years in the Navy. He could not become a police officer full time, he said, because his family's TV repair business kept him too busy. The business closed about seven years ago.

Three of Webb's sons became San Diego police officers, and a fourth is a reserve. Two are still on the job.

"To be a reserve, you have to essentially train at the same level as a regular officer, and make no money," said Assistant Chief

Lou Scanlon.

That might be why the reserve program draws a dwindling number of volunteers. During the 1980s, San Diego had more than 300 reserve officers; today there are just 21.

"One of kind," said U.S. Marshal David Bejarano, another former San Diego chief. "We won't have another one like him."

## Evolving vision

To hear St. Augustine, Fla.'s new chief tell it, one would think that Loran Lueders had been just a cog in the machine.

"I never had any kind of inclination that I would end up here," he told *The Florida Times-Union*. "There was always someone else running the big picture, and it was my job to turn the wheel. I'm very fortunate to be here."

Lueders, 42, was appointed chief in November after 23 years with the department. He is a Jacksonville native and the brother of a retired Jacksonville officer.

At the time Lueders joined the force at



Loran Lueders

*No mere cog*

the age of 19, St. Augustine residents were still calling individual officers when they needed help because those on the force knew everyone. Now, only seven out of the department's 49 officers live in the city.

"The whole culture was different," Lueders told *The Times-Union*.

Lueders and Chief David Shoar grew up in the St. Augustine department together. Shoar, who was chief from 2000 to 2004, left in November after being elected sheriff. He said of his successor: "I feel very good leaving that agency in his hands. Loran is one of those people that everybody likes. He is a good man, and he cares about people."

Lueders has already increased the number of officers on the street by changing the agency's eight-hour shifts to 12 hours. Officers will still work 80 hours every two weeks, but will have more days off.

It was Lueders's performance as a sergeant and a lieutenant that brought him to the attention of City Manager Bill Harris.

"His integrity and ability to get the job done was beyond reproach," Harris said.

Each of the department's leaders has left his own mark. Under Shoar's leadership, the department became a friendlier place. Shoar's predecessor, William Robinson, encouraged his officers to pursue higher education (Lueders has a bachelor's degree from Columbia University). As for his own personal vision for the agency, Lueders said, "We'll have to wait to see how it evolves."

## Code-breaker

A radio-frequency security system used in more than 150 million new Fords, Toyotas and Nissans could be cracked by thieves using a "relatively inexpensive" electronic tool, according to researchers from Johns Hopkins University in Baltimore.

The system, developed by Texas Instruments, uses a transponder chip embedded in the car key and a reader inside the vehicle. Even if the key is inserted into the ignition, the car will not start if the reader does not recognize the transponder.

Researchers say they were able to crack the code by using a tool that acquires information hidden in the microchips that make the system work.

A business manager for Texas Instruments, Tony Sabetti, dismissed the researchers' experiment, saying that the device they used was too cumbersome and expensive for the typical car thief.

"I think the way in which it's presented, as being inexpensive to do and quick and all the rest, is an exaggeration," he told *The Associated Press*. "And because of that, we believe the technology still is extremely secure for the applications that it's used in."

Computer science professor Avi Rubin, who led the research team, said the demonstration illustrated that not enough attention was paid to security.

The system is similar, he added, to a new gasoline purchase system. A reader inside the pump is able to recognize a key-chain tag when it is passed before it. The tag owner's credit card is billed for the purchase.

"We stole our own car, and we bought gas stealing from our credit card," said Rubin.

## Getting the boot

The Federal Bureau of Prisons plans to eliminate its three boot camps, after concluding that the program does little to deter convicts from returning to crime.

According to the bureau's director, Harley Lappen, research conducted by the agency reached conclusions similar to those found by researchers in a 2003 government study that examined boot-camp programs in Texas, Georgia, Louisiana, Florida and New York.

Lappen sent a memo in January to all federal judges, prosecutors and public defenders explaining why the facilities would be shut.

During the peak of their popularity in the mid-1990s, federal and state boot camps held more than 7,000 inmates. The program was intended for young and non-violent offenders who officials believed could be turned around given the proper discipline.

One of the benefits of being placed in a boot camp was the promise of early release for offenders who completed the military-style training program. But non-violent offenders are often released early under new state policies aimed at easing prison overcrowding.

The executive committee of the Judicial Conference, the federal judges' professional organization, plans to lobby the Department of Justice to reconsider the Bureau of Prisons' decision, according to *USA Today*.

## Go vest, young man

The Immigration and Customs Enforcement service has denied charges that thousands of its agents are without body armor, or have bulletproof vests so obsolete as to provide little if any protection at all.

Said ICE spokesman Dean Boyd: "The suggestion that thousands of armed officers from ICE do not have body armor and are potentially at risk is completely wrong. ICE is committed to officer safety and will never allow its armed officers to be put in harm's way on account of equipment."

But internal files from the Department of Homeland Security, obtained by *The (New York) Daily News*, suggest that 500 officers are using "expired" vests, 900 others have vests recalled by manufacturers; and 3,500 have "no reported body armor."

The figures are misleading, said agency officials. Only 200 armed officers lack body armor, they told *The Daily News*. Boyd said the higher number comes from a survey last October which many officers and supervisors did not respond to.

The agency has spent \$2 million this year to order new vests, he said.

## Not-so-sweet charity

Only a fraction of the reported \$3.1 million raised during the past four years by the Missouri Police Chiefs Charitable Foundation, the fund-raising arm of the state's chiefs association, was used to fund the stated activities of the charity, according to Missouri Attorney General's office.

According to tax records, more than 80 percent of contributions were used to pay administrative expenses for the Texas-based fund-raiser hired by the foundation. Less than 1 percent of donations in 2003 were spent on the "youth of Missouri and those less fortunate," reported *The St. Louis Post-Dispatch*.

While there is nothing illegal about a fund-raiser — in this case, United Appeal Inc. — taking the lion's share of donations, there is concern when only a tiny percentage of the money is directed to the charitable cause, said a spokesman for the Missouri Attorney General's office.

In New York, Attorney General Eliot Spitzer said he plans to file a civil lawsuit against Liberty Productions of Rhode Island and Massachusetts for failing to identify itself as a professional fund-raiser, and lying when it said all proceeds would go to 16 police and firefighter charities.

Spitzer charged that the company told potential donors that telemarketers were members of the law enforcement community and that calls were being made from police stations.



# ID, or not ID? That is the

*Homeland security concerns are a factor as states rethink the function of a*

Sometimes a little bit of something is better than 100 percent of nothing, says a Utah sheriff about a new state policy on licensing drivers that strikes an uneasy compromise with the state's illegal-immigrant population.

In March, Gov. John Huntsman Jr. signed legislation that instituted the driving privilege card, which allows undocumented aliens to drive legally and purchase auto insurance, but unlike an actual driver's license, cannot be used as official identification. Any immigrant who can produce a individual tax identification number (ITIN) can obtain the driving card. Legal residents who do not have a work permit can also get the card beginning July 1. Immigrants in that category had previously been unable to get a Utah license.

The two-tiered system had been proposed by state Senator Curtis Bramble, a Republican from Provo, and is virtually identical to one established by the state of Tennessee last year.

Stories were rampant about Utah acting as a gateway for illegal immigrants who obtained driver's licenses — sometimes fraudulently — and used them to gain access to those rights reserved for citizens, Bramble told Law Enforcement News.

Roughly 100,000 driver's licenses had been issued to illegal immigrants in Utah since the passage of a 1999 law that did not require applicants to prove their immigration status. But when investigators conducting a legislative audit requested by Bramble matched the state's driver's license database

to voter registration rolls, firearms records and other lists, they found serious problems.

"We found there were unique addresses — not apartment complexes or a mailbox drop address — but actual residences where as many as 157 driver's licenses had been issued to one address over a period of months," Bramble told LEN.

Despite variations in its appearance among the 50 states, the driver's license is still as close as the United States comes to having a national identity card. As such, the question of who gets to have one and who does not has taken on greater significance in the aftermath of the Sept. 11, 2001, terrorist attacks. Counterterrorism concerns are behind much of the state and federal legislation restricting licenses to those who are citizens or, if not, are at least here legally.

In its report issued last year, the 9/11 Commission wrote: "Secure identification should begin in the United States. The federal government should set standards for the issuance of birth certificates and sources of identification, such as driver's licenses. Fraud in identification documents is no longer just a problem of theft. At many entry points to vulnerable facilities, including gates for boarding aircraft, sources of identification are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists."

One case in point involves the three Mexican citizens who were arrested in March after using driver's licenses and false Social Security numbers to gain admittance to the



"May I see your license — or driving privilege card — please?"

Crystal River nuclear power plant in Lakeland, Fla., where they were part of a work crew. They were cleared for entry by a firm contracted to handle security by the plant's owners, Progress Energy.

According to the contractor, Brock Specialty Services, when a Social Security number is run through national law enforcement databases, the system does not respond with an alert unless a criminal record pops up. Progress Energy said it was not responsible for the veracity of driver's licenses.

"Of all the places where an illegal alien

should not be, this is like at the top of the list," said Representative Ginny Brown-Waite, a Republican who lives near the plant. The incident, she told The Lakeland Ledger, shows why there should be a federal standard for issuing driver's licenses.

While not going so far as to remove the license-issuing authority from states, a piece of legislation passed by the House of Representatives in February does define where licenses can be used as official identification. Called the Real ID Act, the proposal was sponsored by Representative

*From the high tech to the low:*

## Methods & motives vary in redoing licenses

From high-tech features like a reflective image that "floats" around the card, to low-tech modifications like making some licenses vertical rather than horizontal, states continue to try outsmarting underage drinkers, identity thieves and illegal aliens by revamping the safety measures built into their driver's licenses.

When Minnesotans renew their license this year, the new cards will have a "status check" that shows when an immigrant driver's visa expires, an image of a row of loons that will float around the card when it is tilted, and a holographic state seal that is visible only under ultraviolet light.

Other security measures on the Minnesota license include a digital watermark that contains a series of codes and secret features that can only be read by a computer or police scanner. A digital photograph of the driver will also be heat-fused into the card's plastic. Any attempts to print over that image will be noticeable.

The state of Nebraska, which also uses digital watermarks on its licenses, has contracted with the manufacturer of the hidden mark to study ways in which counterfeiters can be thwarted.

Nebraska licenses began carrying the watermarks last May. Roughly one-fourth of all license and identification card holders — about 370,000 — in the state have one on their license. The mark holds a driver's license number, the state that issued it and a date of birth.

The state's Department of Motor Vehicles will work with Digimarc Corp. of

Portland, Ore., on a program that will teach police officers and vendors of cigarettes and alcohol how to use a special scanner to determine a license's legitimacy.

The DMV will receive \$260,000 under a \$1 million grant awarded to Digimarc for the pilot project by the National Highway Traffic Safety Administration.

"Clearly a driver's license is a key form of identification in our society," said Massachusetts Gov. Mitt Romney last October when he unveiled a new license that contains state-of-the-art features, including a hologram-type design.

In February, the state's Registry of Motor Vehicles began testing computer equipment that can detect minute deviations invisible to the eye in documents, such as passports, that are presented to obtain licenses. It is already being used in select RMV offices to test the authenticity of documents presented by first-time applicants.

Documents are placed on a glass plate that scans and verifies their appearance, design, weight and composition. Any licenses or documents with bar codes are swiped along a magnetic strip. A readout that appears instantly on the computer's screen verifies authenticity. If the system detects fraud, the application is denied and the state police are contacted.

"The state constantly has to stay ahead of criminal enterprises," said Erin Deveney, a deputy registrar with the RMV, in an interview with The Boston Herald. "People will seek to obtain multiple forms of identification for credit fraud...to blend



Vertical licenses, for underage drivers

seamlessly into society for criminal or terrorist reasons."

Among the safety measures featured in Wyoming's new card is a vertical orientation to licenses issued to drivers under the age of 21. Such a feature is also incorporated into Hawaii's new licenses.

The Wyoming card also includes a ghost image of the holder's photo; different types of wavy lines across the front; and a bar code on the back that will reveal all the information on the front when swiped. The

magnetic strip is being touted by the state Department of Transportation as an extra security measure for retailers selling alcohol or tobacco.

Licenses in Illinois have that same feature, and some are not happy about it.

When T.J. Garrett, a 57-year-old sales representative from Springfield, tried to buy beer for a neighbor, the clerk at the quick-stop store ran his license through the shop's electronic scanner. Garrett objected, saying he did not want his personal information entered into a database. The clerk told him that it only verified the information on his license. He could either allow the card to be swiped or shop somewhere else.

"I don't think I should have to take the word of any company...that you have good intentions for me," Garrett told The State Journal-Register of Springfield.

According to Randy Nehrt, a spokeswoman for Secretary of State Jesse White, there are two codes on Illinois licenses. The first, which began appearing in 1998, contains only the license number. The second has all the information from the front of the license except the photo, signature, and holder's organ-donor status.

The second code is a boon to retailers, she told The Journal-Register, because it can verify the age of a customer buying tobacco or alcohol.

President Bush in December urged all states to put machine-readable information on driver's licenses. Failure to do so could mean that federal agencies would no longer accept that state's licenses as identification.



# question.

## driver's license

James Sensenbrenner (R-Wis.), who chairs the House Judiciary Committee.

Under the bill, anyone wishing to enter a federal courthouse, board an airplane or rent a post office box using a driver's license would have to show proof of a lawful presence in the U.S. with either a birth certificate, or a passport with a visa showing legal admission or permanent residency.

There are currently eight states, including Wisconsin, that give licenses to undocumented aliens: Hawaii, Maryland, Michigan, Montana, New Mexico, North Carolina and Oregon.

"The 9/11 hijackers could have used their passports to board the planes, but only one did," Sensenbrenner said at a press conference. "And why was that? Those murderers chose our driver's licenses and state IDs as a form of identification because these documents allowed them to blend in and not raise any suspicion or concern."

Sensenbrenner's bill includes other provisions, such as tightening the standards used by judges in asylum cases, a border fence that would close a three-mile gap at Otay Mesa, Calif., and making the terrorism-related criteria used for deporting people as strict as it is to disqualify them from entry into the U.S. in the first place.

Tennessee's 10-month old driving certificate policy is the law that served as a model for the Real ID Act.

As in Utah, the state's statute undoes an earlier measure, passed in 2001, that had allowed licenses to be issued without proof of legal entry. Since its inception in July 2004, more than 20,000 certificates have been issued in Tennessee. Hispanics make up 60 percent of recipients, according to the state's Department of Safety statistics.

The certificates are purple and read "For Driving Purposes Only, Not Valid for Identification." Those who cannot prove they are authorized to live in the U.S. can obtain certificates valid for up to one year; those who can have certificates valid for the length of their visa. They are renewable every five years.

"The certificate is no different than a license that says 'under 21,'" Tom Moore, deputy commissioner of the Department of Safety, told The Knoxville News-Sentinel.

Utah's Senator Bramble contends that the certificate counters the main argument made by his state's immigrant population and its advocates, that having uninsured drivers on the road increases every motorist's risk, he told LEN.

"We're solving the problem of uninsured motorists and [giving them] access to legally driving, even though they're illegal, even though they've violated immigration law," Bramble told LEN.

He also dismisses those who claim the certificates do nothing to bolster national security while hurting the country's poor, immigrant workers.

"[It's] hard to argue that providing a privilege and providing access to automobile insurance is somehow punishing an individual," said Bramble.

There is currently little if any consensus to be found on the subject within law enforcement. Some chiefs believe that no license or driving certificate should be given to those who are here illegally.

Allowing illegal immigrants to have licenses makes no sense, said Chief Richard Carey of the Glens Falls, N.Y., Police

Department. Driving, he said, is a privilege granted by the state of New York, not a right. Carey also told LEN that just because a certificate is not meant to be used as identification does not mean that some are not going to try to do so anyway.

"I guess I would prefer to rip it in the bud and not have entities issue them in the first place," he said.

Police Chief Donald Derr of Savannah, Tenn., is also opposed to illegal immigrants having driver's licenses or certificates.

"Giving any kind of driving privilege to an illegal, I'm opposed to," he told LEN. "They are here illegally and I can't see giving any kind of privileges to someone who has already broken the law."

In Pasadena, Calif., Chief Bernard K. Melekian takes the broader view that the U.S. should establish some type of policy that would allow workers crossing the border from Mexico to use a document that acknowledges that they are coming here to work.

"We're talking about the wrong topic," he told LEN. "We keep talking about driver's

***"If we do this piecemeal, we end up with holes in our armor when we should be strengthening our armor."***

— Massachusetts Public Safety Secretary Ed Flynn

licenses and certificates, and in the case of California, consular IDs, when what we ought to be talking about is the whole immigration policy. We ought to recognize that people come here, driven by economic need, and we need to look at some sort of worker permit system."

Edward Flynn, Secretary of Public Safety for the state of Massachusetts, agrees.

There is a need for a national policy on this issue, he told LEN. "I think if we do this piecemeal," said Flynn, "we end up with holes in our armor when we should be strengthening our armor."

Five years ago, he said, he would have called an alternative to a driver's license that allowed someone with what he called a status issue — an expired visa or pending renewal — to drive, register a car and get insurance, a "no-hrainer."

"The problem I have now, wearing the additional hats of public safety and homeland security, is that it is no longer that simple," Flynn said. "Our biggest problem is that a driver's license or certificate or what have you becomes a foundation identity document. My concern is that no matter what we might stamp on it, it is a powerful state document with someone's photograph on it and it becomes part of saying, 'This is who I am.'"

In the view of Weber County, Utah, Sheriff Bradley Slater, his state's driving certificate policy splits the difference.

"It's obvious that we have folks who need to be identified and sometimes it's better to get a little bit of something than 100 percent of nothing... We do have undocumented aliens, it is a blessing and a curse," he told LEN. "It's not a racist issue, in my opinion. It's an issue of we have this rule of law and we ought to be following it. I think it's going to be helpful to both sides of the issue."

## Flurry of activity by states makes driving a hard bargain

*In the past few months, jurisdictions from coast to coast have been rethinking issues pertaining to driver's licenses and identification. Following is a roundup of recent activity:*

**CONNECTICUT** — Gov. M. Jodi Rell urged lawmakers in March to support legislation that would increase the penalty for fraudulently obtaining a license and require applicants to provide a verifiable Social Security number. Temporary licenses and identity cards would also carry the holder's picture, under Rell's proposal, and the state's Department of Motor Vehicles would be authorized to revoke a license if it discovers that a person has more than one.

**DISTRICT OF COLUMBIA** — Although it was a figure much repeated after the 9/11 terrorist attacks, the hijackers had not amassed 63 driver's licenses, according to a Cox News Service story last month. To counter the myth, the news service said, the 9/11 Commission issued a fact sheet that said the 19 terrorists had 13 licenses and 21 U.S. or state-issued identification cards.

**GEORGIA** — State lawmakers agreed last month to do away with a fingerprinting requirement for Georgia driver's licenses. Republican legislators say the prints are rarely used by law enforcement and the database raises concerns about identity theft. The requirement, which has been in place since 1996, will be phased out by July 2006.

**IOWA** — The state's Supreme Court ruled Feb. 18 that illegal immigrants have no fundamental right to a driver's license. The court held that a law requiring applicants for licenses to show proof of legal immigration status discourages illegal immigration and minimizes the financial risk to drivers whose cars are damaged by someone that could be deported.

**MAINE** — A state legislator in February proposed a bill that would match the expiration date on a nonimmigrant's driver's license to coincide with the same date the individual's visa does. Representative Ronald Collins wrote the legislation after learning testimony from a Bureau of Motor Vehicles clerk about an Egyptian man with an expired visa and expired New York driver's license who was issued a Maine license. The clerk said she had to issue the license because of an executive order by Gov. John Baldacci last year that makes an applicant's immigration status confidential.

**MARYLAND** — State Delegate Herb McMillan proposed a bill in March that would prohibit the Motor Vehicle Administration from granting driver's licenses to those who cannot supply proof of legal immigrant status. Those who have expired visas but can show they have applied for reinstatement may obtain licenses under the proposal.

**MINNESOTA** — The state will continue to offer driver's license tests in Spanish, Hmong, Russian, Vietnamese and Somali,

after the defeat last month of a bill that would have required they be administered in English only. The proposal would have also banned interpreters on the grounds that they could be supplying answers to test-takers.

**NEW HAMPSHIRE** — Non-citizens must continue to travel to Concord to renew their licenses, but those who are refugees, have been granted asylum or are permanent-resident noncitizens can have their licenses renewed at any of the state's Department of Motor Vehicles offices. Under the previous policy, people in those categories had to go to Concord, as well. Officials argue that it is the only office where workers have been trained to examine foreign documents.

**NEW JERSEY** — Nearly 10 percent of the state's 5.7 million licensed drivers — some 520,000 — have discrepancies in their records, according to New Jersey's Motor Vehicle Commission. The state matched the motor-vehicle records to data obtained from the Social Security Administration. More than half of an initial group of 54,000 drivers whose licenses are up for renewal have been notified that their Social Security numbers are shared by one or more names.

**NEW MEXICO** — A bill that would undo the state's 2003 law allowing undocumented aliens with a tax-identification number to obtain a legal driver's license stalled in the Legislature in February. Republican lawmakers from Albuquerque and Roswell proposed requiring proof of citizenship before a license is issued. In lieu of that, the applicant would be issued a "certificate for driving."

**NEW YORK** — A state Appellate Division judge ruled in March that a lower court order does not restrain a crackdown launched last year by the Department of Motor Vehicles against immigrant license-holders who do not have a Social Security number. The appellate decision was rendered, however, with the understanding that the commissioner of motor vehicles would not seek to take away any more of the 300,000 licenses earmarked for suspension. Some 7,000 licenses have already been suspended. The lower-court ruling had been issued in February by Supreme Court Justice Karen Black, who held that the DMV may not enforce immigration law nor can it make new rules without public notice.

**OREGON** — A bill proposed last month would require drivers in Oregon to submit proof of U.S. citizenship or legal residency when applying for a license. The state is currently one of only nine that still do not have a legal residency rule.

**WISCONSIN** — Under a bill proposed in February, anyone applying for a Wisconsin driver's license or identification card would be required prove legal immigration status. The card would also contain the date on which the person's legal status expires.



# Who knows what evil lurks? Prof plumbs depths of depravity

Continued from Page 1

"I look at the kind of cases that inspire the gasp, the reaction of horror and nausea that accompanies certain things for which people use the word evil — especially where the acts are done repeatedly by people who are very warped," Stone told L&N. "Then the question becomes: what are the factors that influence a person to become that way?"

Neuroscientists have found that those who score high on a psychopathy checklist developed by Dr. Robert Hare, a professor emeritus at the University of British Columbia in Vancouver, have physical differences in brain function.

In a brain-imaging study conducted last April by Canadian and American researchers, abstract words such as grace, power and future were processed differently by psychopaths. Researchers also found oddities in the way such people processed certain photographs, like those depicting accident scenes.

While broken homes and abuse are common among brutal killers, not all were treated poorly as children, said Stone.

Ian Brady, who tortured and killed children during the 1960s in what came to be known in England as the Moors Murders, was raised by loving parents, Stone noted.

Ninety percent of those on Stone's hierarchy of evil meet the qualification of psychopath, The New York Times reported.

Each of these cases has to be looked at individually to see how those factors and others shaped the developing personalities of those capable of committing such acts, said Stone.

Evil may be a term laden with religious connotation, but clinical diagnoses do exist for those who commit especially heinous acts, he said. The propensity for evil is highest in those where there is a confluence of three personality types: the narcissistic, the sadistic and the psychopathic. The personality characteristics of someone suffering from psychopathy, Stone said, represent the extremes of narcissism. It accounts for the callousness, grandiosity, lack of remorse and manipulateness seen in serial killers, serial rapists and others on the high-end of Stone's hierarchy.

Such people are untreatable, said Stone, and need to be separated from society, if not forever, then for prodigious amounts of time. The concept of repaying a debt to society is fine if the offense was embezzlement, he observed, but it becomes meaningless when someone is as dangerous as a

Brady, who began by torturing small animals before moving up to children.

Stone said he was glad that a Connecticut parole board this month ordered convicted rapist Alex Kelly to serve three more years in prison. Kelly brutally raped two girls in separate incidents while still a teenager. He then fled to Europe to avoid prosecution. Kelly turned himself in when his passport was about to expire.

"For me, a repeat rapist, and an aggressive rapist like that, I would have kept him in until he was old enough that the girls he raped could run faster than he could," Stone said.

Referring to the BTK killer, the serial murderer who was recently captured by police after having terrorized Wichita, Kan., for decades, Stone said: "If you're dangerous, there's no such thing as paying your debt to society. It's a meaningless concept. Maybe in the kinder, gentler era of our forebears, that was okay, but it doesn't work now."

Stone declined to place the Wichita killer into one of the categories of his hierarchy, citing a lack of details at his disposal, but noted, "The fact that he used the T in BTK for Bind, Torture, Kill, that worries me, as though he may be up there with the worst."

## From bad to worst

The gradations in Dr. Michael Stone's "hierarchy of evil":

**Category 1:** Those who have killed in self-defense, and who do not show psychopathic personality features.

**Category 2:** Jealous lovers who, though egocentric or immature, were not psychopathic.

**Category 3:** Willing companions of killers; aberrant personality — probably impulse-ridden, with some antisocial traits.

**Category 4:** Killed in self-defense, but had been extremely provocative toward the victim.

**Category 5:** Traumatized, desperate persons who have killed abusing relatives and/or others (viz., to support a drug habit), but who lack significant psychopathic traits, and who are genuinely remorseful.

**Category 6:** Impetuous, hot-headed murderers, yet without marked psychopathic features.

**Category 7:** Highly narcissistic, but not distinctly psychopathic persons, with a psychotic core, who kill "loved ones" (jealousy, an underlying motive, or resentment) or family members.

**Category 8:** Non-psychopathic persons with smoldering rage, who kill when the rage is ignited.

(Psychopathy present above this level)

**Category 9:** Jealous lovers with marked psychopathic features.

**Category 10:** Killers of people "in the way" — or of witnesses; egocentric, but not totally psychopathic.

**Category 11:** Psychopathic killers of people "in the way."

**Category 12:** Power-hungry psychopaths who killed when "cornered."

**Category 13:** Inadequate, rageful personalities with psychopathy.

**Category 14:** Ruthlessly self-centered psychopathic schemers.

**Category 15:** Psychopathic, "cold-blooded" spree- or multiple murderers.

**Category 16:** Psychopaths committing multiple vicious acts.

**Category 17:** Sexually perverse serial murderers (in males, rape usually the primary motive, with killing done mostly to hide evidence); systematic torture not the primary motive.

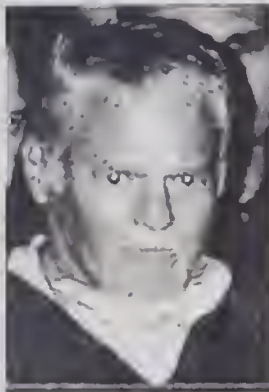
**Category 18:** Torture-murderers; murder the primary motive or, at least, murder to avoid detection, after a torture that was not prolonged (in comparison with those in #22).

**Category 19:** Psychopaths driven to terrorism, subjugation, intimidation and rape — short of murder.

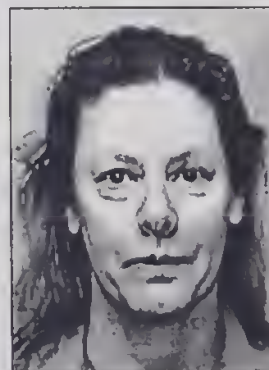
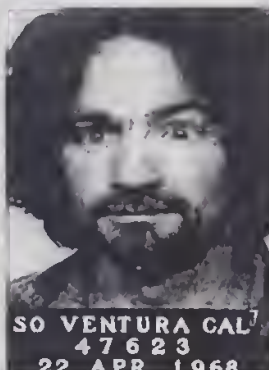
**Category 20:** Torture-murderers; torture the primary motive but in psychopathic personalities.

**Category 21:** Psychopaths preoccupied with torture in the extreme, but not known to have committed murder.

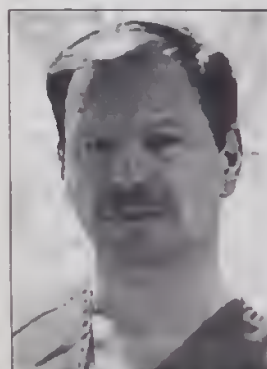
**Category 22:** Psychopathic torture-murderers, with torture their primary motive.



L.-R.: Jean Harris, Category 2; Andrea Yates, Category 5; Ira Einhorn, Category 9; Fred Neulander, Category 10.



(L.-R.): O.J. Simpson, Category 13; John Hinckley, Category 14; Charles Manson, Category 15; Aileen Wuornos, Category 17.



(L.-R.): Gary Ridgway, Category 18; Ed Gein, Category 20; Ted Bundy, Category 22; Jeffrey Dahmer, Category 22.



# IACP weighs in with Taser-use guidelines

A nine-step protocol for the safe deployment of stun guns, released last month by the International Association of Chiefs of Police, will provide a framework for agencies who want to develop their own plan for using the non-lethal weapon, according to the organization.

The timing of its report, "Electro-Muscular Disruption Technology: A Nine Step Strategy for Effective Deployment," seemingly reflects the profession's growing wariness of the Taser. Many if not most in law enforcement continue to maintain that it leaves little lasting harm to subjects, but it is getting harder to ignore reports — some by police themselves — that the Taser has caused significant injury.

A review by The Arizona Republic found 11 autopsies in which medical examiners could not rule out the possibility that being zapped had contributed to the subject's death. Overall, the newspaper found 94 people since 1999 who have died after being shocked. (See LEN, February 2005.)

Last month, USA Today disclosed that the Department of Homeland Security had rejected Tasers for the 20,000 agents and officers in its two largest bureaus.

A spokesman for the Immigration and Customs Enforcement (ICE) bureau, Russ Knocke, said the Taser had been banned by the agency in December 2003. A month prior to that, Salvatore Dimiceli, an officer with the Federal Protective Service, claimed to have suffered injuries to both arms during a training session conducted by the weapon's manufacturer, Taser International of Scottsdale, Ariz.

Dimiceli has sued Taser, alleging that the company did not provide adequate warnings about the training.

The Customs and Border Protection bureau reportedly banned the Taser for its own agents a few months after ICE did.

"There are enough question marks about the safety of this device," CBP spokesman Barry Morrissey told USA Today. "The safety of our officers and the public is always a concern. It was determined that the device just didn't fit."

The National Institute of Justice has awarded \$530,000 in grants since September for research on the stun gun.

"Clearly, there is not enough information out there on the medical issues and how these devices are being deployed," Karen Amendola, chief operating officer for research and development at the Police Foundation, told USA Today. "There needs to be an objective third-party look at this issue."

The first step in the IACP's strategy is the creation of a leadership team that can address issues such as costs, policies and training. It is followed by:

¶ The placement of the stun gun within a department's use-of-force continuum.

¶ Assessment of the costs and benefits of the weapon.

¶ Identifying the roles and responsibilities of staff with regard to its deployment.

¶ Engagement in community outreach — a measure the report calls essential.

¶ Development of policies and procedures prior to deployment.

¶ Creation of a comprehensive training

program that reinforces the policies and practices developed.

¶ Implementation of a phased deployment approach.

¶ Assessment of the weapon's use to determine whether any further action taken in this mode would improve outcomes.

The report also recommends that agencies establish medical protocol options in the event of a stun-gun incident, develop comprehensive training programs for

officers; and implement departmental reporting systems to track such incidents.

"We know stun guns provide law enforcement officers with an effective, less-lethal option but we're also aware that concerns have been raised over how and when they have been used," said IACP president Joseph Estey, the police chief of Hartford, Vt. "With these guidelines, we hope to balance the risks associated with stun guns with their benefits."

## Animal-rights group rips plan to try Taser on pigs

As if Taser International, the nation's leading stun-gun manufacturer, didn't already have enough critics nipping at its heels, it will now have animal rights activists to contend with, after researchers at the University of Wisconsin have announced plans to conduct the first independent study on the effects of the Taser on pigs' hearts.

"If the hypothesis is correct that Tasers do not electrocute the heart, then why are people dying in custody after they have been shot with Tasers?" asked John Webster, a professor emeritus of biomedical engineering who will conduct the two-year study.

Three groups of pigs will be zapped with a stun gun, including some that will be subjected to the "SuperTaser," which delivers shocks up to 30 times stronger than the Taser model used by police. One group of

pigs will be given cocaine and then shocked.

Webster's research will test the theory that some of the deaths result from a rare condition known as malignant hyperthermia in which the body overheats. Another that Webster will test is whether suspects died because the Taser caused contractions of muscle which ultimately led to a fatal release of potassium.

The group People for the Ethical Treatment of Animals has complained that the research, funded with a \$500,000 grant from the National Institute of Justice, is cruel and unnecessary.

"Shocking more pigs is only going to add their number to the Taser-related death statistics," said Patu Gilman, whose brother died in British Columbia last year after being shocked by a stun gun.

## "Bombing" prank is no laughing matter to police

A prank that involves calling in false police emergencies to another person's home was no laughing matter last month to New Brunswick, N.J., police, who spent a tense day involved in what they thought was a standoff between themselves and a violent rapist holding a teenage girl hostage — only to learn that the whole thing was a hoax.

The object of the practice known as "bombing" is to see how many police the players can get to respond to a frantic call about a crime in progress. Authorities believe that as many as 40 people loosely connected through the Internet and a telephone chat line were involved in the March 22 incident.

Authorities arrested two suspects they believe are the ringleaders. Fatm Ann Ward, 24, who lives in Arlington, Texas, has a long history of mental illness and receives disability for a bipolar disorder. She is a registered sex offender in Texas. In 2000, she molested a 12-year-old boy she claims is the father of her 4-year-old daughter.

Wadu Jackson, 20, a resident of Irvington, N.J., is suspected of being Ward's accomplice. She was arrested in Hartford, Conn.

According to Arlington police, Ward called police in New Brunswick and claimed to be a 14-year-old who had been raped, was handcuffed and being held hostage in a house near the Rutgers University campus. She then handed the phone to Jackson, who told them that anyone who approached the house would be killed.

After that, police deployed the SWAT

team and cordoned off the area for six hours. The standoff ended when three teenagers walked out of the house after the father of two of them spoke to his children through a bullhorn. No charges were brought against the teens, who stayed in the house when they saw the police outside. It did not occur to them that police believed they were armed, said David Wilson, the father of David Wilson III, 18, and Tameeli Wilson, 17.

Middlesex County, N.J., prosecutors have charged Ward and Jackson with conspiracy, initiating a false public alarm, and making a fictitious report to police. Both will be extradited to New Jersey.

Ward is suspected of having pulled the hoax before. Since the beginning of the year, half a dozen towns in New Jersey and Pennsylvania have been hit, according to police.

On Jan. 5, a caller reported that her mother had been shot in a house in Union, N.J., and that her father was on his way upstairs to get her. After it was discovered to be a prank, the resident of the house told police he knew the caller from a chat line.

"She did the same thing with us," Georgetown, S.C., police Sgt. Jimmy Burke told The Associated Press. "She called in different kinds of threats, people with guns, hostages. We suspect her in calls to our schools with a bunch of threats. We cleared the schools several times because of her."

Ward lived in Georgetown for about five years, according to Burke.

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*John Jay College of Criminal Justice*

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# No sanctuary from shooters in four states

Continued from Page 1

members of the hierarchy of the church, the sermons of the church."

In northern Minnesota, authorities investigating the murders of nine people on a remote Indian reservation are considering whether more than one teenager was involved in what has been called the second-deadliest school shooting in U.S. history.

Investigators initially believed that 16-year-old Jeff Weise had acted alone when he murdered his grandfather, tribal police officer Daryl "Dash" Lussier and his grandfather's companion, then gunned down five students, a teacher and a security guard. Before turning the .22-caliber handgun on himself, Weise was wounded twice in the leg by a tribal officer, according to a report in The Houston Chronicle.

Those who knew Weise say he was deeply depressed. After a suicide scare last summer, he was put on 40 milligrams a day of the anti-depressant Prozac. Weise favored Goth fashions and was an enthusiastic participant in online neo-Nazi chat rooms, where he logged on as "todesengel," or angel of death.

But in a surprising twist, authorities arrested a second teenager, Louis Jourdain, the 16-year-old son of the Red Lake Band of

Chippewa's tribal chairman, Floyd Jourdain Jr.

Jourdain was arrested on conspiracy-related charges on March 27, six days after the massacre. Other adolescents who were in email contact with Weise are also under suspicion, according to an anonymous source cited by The (New York) Daily News.

The murders on Feb. 28 of federal Judge Joan Lefkowitz's husband and mother by a disturbed plaintiff in a medical malpractice case tragically highlighted the need for better security for judges and their families outside the courthouse, said her shaken colleagues.

"I don't think security is adequate, I have never thought security was adequate," U.S. District Judge David Coar of Chicago told USA Today.

"Certainly after the Oklahoma bombing in 1995, everyone took a timeout to look closely at security at federal courthouses and other facilities," said David A. Sellers, a spokesman for the Administrative Office of the United States Courts and editor-in-chief of The Third Branch, a newsletter for courts officials. "What happened last week in Chicago is similar. It calls for another timeout, this time to look at the specific issue of off-site security."

Lefkowitz, 61, was targeted by Bart Ross, a Polish immigrant whose case she had dismissed. Ross was seeking \$1 billion for what he claimed was a botched treatment for cancer of the mouth, and had been unsuccessfully battling a Chicago hospital for the past decade.

Ross waited for Lefkowitz in the basement of her house. After killing Lefkowitz's husband, attorney Michael Lefkowitz, 64, and her mother, Dorothy Humphrey, 89, Ross left. When he was later pulled over for a broken tail light by a West Allis, Wis., patrol officer, he fatally shot himself.

A report released last year by the Justice Department's inspector general sharply criticized the U.S. Marshals Service, which is responsible for protecting federal judges, for its handling of 700 threats to court officials that are received each year. The Marshals Service's threat assessments, the report said, are often untimely and of questionable validity, and the agency has also failed to use technology such as alarm systems and video cameras.

"We are very concerned, and we are making every effort to ensure that the intelligence-gathering on threats to judges and the evaluation of threats to judges is

improved," Judge Jane R. Roth of the United States Court of Appeals for the Third Circuit in Delaware, told The Times.

In the case of a Fulton County, Ga., judge, however, there had been no warning prior to the moment when a defendant on trial for rape seized the gun of a deputy and opened fire. The March 11 rampage by 33-year-old Brian Nichols took the lives of Superior Court Judge Rowland Barnes, 64, and Julie Ann Brandau, 46, a court stenographer, in the courtroom. Sheriff's Sgt. Hoyt Teasley, 43, was killed as Nichols fled the courthouse, and authorities say that Nichols also shot and killed an off-duty federal customs official, David Wilhelm, 40, before being captured.

Nichols was caught in an apartment where he took 26-year-old Ashley Smith hostage. Smith, who read to Nichols from an inspirational Christian book, was unharmed and was given the \$10,000 reward offered by the state.

"You just really do not expect violence in this building," Edward Bauer, a civil attorney, told The Times. "There's anguish here, anger, and violence between opposing sides, but to lose a judge in his own courtroom is just unfathomable."

## Homeland insecurity:

# Nothing stopped terrorists from buying guns

With nothing to disqualify them, dozens of suspected terrorists who appeared on FBI watch lists were approved to purchase firearms during a nine-month period in 2004, according to a Congressional investigation that has prompted the bureau to re-examine current legislation that allows such applicants to slip through.

Investigators from the Government Accountability Office found that of 44 terrorist suspects who sought clearance to buy or carry a gun, 35 were approved between Feb. 3 and June 20, 2004. Another 14 applied in the four months after the official inquiry had ended. Of those, only two were disqualified. In all, 47 of 58

*"We're in a tough position. Obviously, we want to keep guns out of the hands of terrorists, but we also have to be mindful of privacy and civil rights concerns."*

— An FBI official

applications were approved, investigators found.

At the heart of the issue are two laws, one that prohibits gun sales to anyone falling into one of nine categories, but not to someone whose name appears on a terrorist watch list, and another that requires all information on gun purchasers be destroyed

within 24 hours of approval.

FBI Director Robert Mueller 3rd told a House subcommittee that perhaps the law could be changed. "I believe a review of the law regarding the National Instant Criminal Background Check System is warranted, given the findings of the GAO," he said.

In February 2004, then-Attorney General

John Ashcroft reluctantly agreed that the Justice Department needed to change its policy and allow more cross-checking between gun-buying records and terrorism intelligence.

In the months following the Sept. 11, 2001, terrorist attacks, Ashcroft had blocked the FBI from matching gun-purchase applications against names found on its Violent Gang and Terrorist Organization File, a compendium of suspected terrorists, their friends, neighbors and relatives.

Such laws and policies, as interpreted by the Justice Department, have hamstrung the agency, FBI officials told The New York Times.

"We're in a tough position," said an FBI official whom The Times did not identify. "Obviously, we want to keep guns out of the hands of terrorists, but we also have to be mindful of privacy and civil rights concerns, and we can't do anything beyond what the law allows us to do."

In a letter to Senator Frank Lautenberg (D-N.J.), Mueller unveiled his plan for forming a Justice Department working group to examine the issue. Lautenberg, who requested the GAO audit, has proposed legislation to require that gun-purchasing records on anyone whose name appears on a terrorism watch list be held for 10 years.

"Destroying these records in 24 hours is senseless and will only help terrorists cover their tracks," said Lautenberg. "It's an absurd policy."

Lautenberg said he would also ask Attorney General Alberto R. Gonzales to assess whether those on an FBI terror watch list be barred from buying a gun. Such a policy would require a change in federal law.

When asked directly whether he believes that such people should be barred, Lautenberg replied, "You can't get on an airplane if you're a terrorist, but you can buy a gun. Which is worse?"

# Appeals court says 30-year-old FBI ballistics test fails to hit the bullseye

The integrity of the criminal justice system would be "all-served" if a ballistics test used by the FBI to match bullets to crimes be allowed to stand, a New Jersey appeals court ruled last month, ordering a new trial for a defendant convicted in 1997 with evidence drawn from the technique known as data chaining.

Michael S. Behn was sentenced to life in prison for the 1995 slaying of a South River coin dealer. The court's reversal of his conviction is believed to be the first in the nation based on a challenge to the bureau's forensic process.

The FBI has used data chaining for more than 30 years to analyze the lead content in bullets when a slug's fragments are too small to yield information from other ballistic tests. Its goal is to determine whether a bullet from the crime matches bullets found in the suspect's possession or weapon.

Data chaining is based on the premise

that every source of lead is unique, and no two sources are compositionally similar. Analysts compare the amounts of trace elements found in a series of bullets in a box. If they all are found to have the same composition, scientists can then conclude that the fatal bullet is part of the same chain as the bullets in the package. Thus scientists may testify that two bullets with slightly differing lead contents are a match if a third bullet, one perhaps from the manufacturer, is found to be identical to both. [See LFN, February 2004.]

Prosecutors matched bullets found in Behn's home to those used in the murder. When a former chief metallurgist for the bureau, William Tobin, began raising questions about the efficacy of data chaining, FBI Lab Director Dwight Adams asked the National Academy of Sciences to research the matter. Among its recommendations in a draft report issued last year was

that the bureau discontinue the practice.

Doing his own research, Tobin found a number of ways in which the lead used for bullets may be compositionally identical, but not come from the same batch.

One way is that lots of packaged bullets are not scattered across the United States, but shipped to warehouses owned by retailers like Wal-Mart and Kmart, which are the largest suppliers of .22-caliber ammunition. It is highly likely that a regional concentration of specific compositions will be created when the packaged bullets are distributed to stores, Tobin said.

"At the Fredericksburg (Va.) Wal-Mart, I found the same compositions on the shelf for three out of five months," he said. "An innocent purchaser had no chance but to buy incriminating compositions [and] they're on the shelves for months and months."

Tobin submitted a sworn statement in the New Jersey case.



Dutta:

# Police are not the cause of violence

By Sunil Dutta

Recently, while on my way to interview someone in the Southeast Division of the Los Angeles Police Department, I heard a call of a shooting in progress. Since we were very close to the shooting location, we decided to respond to assist the officers. We were there within seconds, but it was too late. It was chaos, with four separate crime scenes and officers struggling to maintain control.

It looked like three black males lay dead and a fourth was shot in the leg. I stood near the third and discovered that he was still alive. He had been shot point-blank at the back of his head. He was clawing at the bullet entry wound and trying to say something. While I struggled to hear what he was saying, I saw his hand drop to the ground. He was dead.

He was 14 years old. But the media did not even carry the news of this multiple homicide. There was no community outrage, no demonstrations and no denunciations.

Ever since the shooting of Devin Brown, I have been waiting in vain for someone to state the obvious. But Godot never comes. Haven't we seen this before? A tragedy occurs, police are involved, people are outraged, the media throw some cheap shots with half-baked analyses, political pressure builds and a policy is modified or created.

In the big picture, nothing changes. We wait until the next tragedy or controversy to erupt when this cycle would be repeated.

Since no one has mentioned it, then, allow me say it: Police are not the problem.

Officers are not the racist, trigger-happy, brutal, heavy-handed monsters as portrayed in the media. Officers reflect the society they are a part of.

All of us are the problem, because we have consistently failed to address the underlying social issues that have turned us into the most violent and the most unequal society among the industrialized nations — despite being the strongest and wealthiest country in the history of the world.

Scholars from around the world flock to our universities because we are the best in science and humanities. Our researchers win numerous Nobel prizes. We train people from the world over to become better administrators. We tell other nations what to do. We even discuss exporting freedom to the darkest corners of the planet.

Despite all this, decades have gone by and we haven't addressed our own failures — crime, homelessness, the mentally ill wandering the streets, a permanent underclass, inner cities with endemic high unemployment, poorly paying jobs, lack of medical coverage. It is obvious that we don't care; after all, if we wanted to make a change, we would have by now.

An ideal society needs no police, let alone cops who must carry handguns, shotguns and rifles. But we don't live in an ideal society. As long as officers carry a gun, mace, batons and handcuffs — the tools of their

trade — it is axiomatic that they would be used.

In the best of circumstances, even when cops use perfect judgment and circumstances are ideal, using force to arrest someone is not pretty to watch. And in the worst of circumstances, when human lives are taken because officers must shoot, the ugliness is amplified to a gross level.

Why don't we abolish the police to avoid the ugliness, controversies, and tragedies?

Those who criticize the police are guilty of perpetuating the miserable social conditions that ensure we have crime-ridden neighborhoods. I accuse everyone in our society of being guilty, of not providing solutions, of being in denial, of transferring their responsibility to the shoulders of the cops. The society has chosen a group of

men and women to do its dirty work, so that the rest can smile and enjoy their bourgeois existence.

When inconvenient facts can't be ignored, there is always this group to blame.

From 1985 to 2002, officers have shot at motorists an average of six times a year. In this 17-year time frame, officers fired their guns approximately 102 times. In the same time frame, more than 10,000 people were murdered in Los Angeles.

No, cops did not kill these 10,000. Who are we fooling by blaming the police for social problems?

*(Sunil Dutta is a sergeant with the Los Angeles Police Department's Internal Affairs Group. His commentary originally appeared in The Daily News of Los Angeles.)*

Woody:

## The dutiful heart

By Michael S. Woody

Do you enjoy sitting around in courtrooms waiting for your case to be called, only to find that the case is continued, requiring you to come back to the courthouse again and again for the same case? No? Then read on. As a police officer it is estimated that 10 percent of your calls involve persons with mental illness. Do you have enough training to help you safely and

effectively handle these calls? No? Then read on. Have you read the stories of police shootings of persons with mental illness and the corresponding lawsuits that often follow? Think it can't happen to your department? Then read on.

It's time you learned more about Crisis Intervention Team training.

CIT is a collaborative effort between law enforcement and the mental health community to assist officers in handling incidents involving persons with mental illness. Volunteer patrol officers receive 40 hours of training in mental illness and the local mental health system. The training focuses on providing practical techniques for de-escalating crises. Mental health professionals assist in officer training and go on ride-alongs with officers to better understand police work. Police officers, for their part, make home visits with mental health professionals and learn about symptoms of mental illness and medications so they can better identify persons with mental illness and learn to deal with them more effectively and safely.

Why is CIT so popular? Simply put, Crisis Intervention Team training saves lives and money. We have all read the stories about police officers who encountered a person with mental illness, and the stories often have tragic endings. According to FBI statistics, from 1993 to 2002, 15 law enforcement officers were killed by persons with mental illness. Even more staggering, in 2002 alone, 982 law enforcement officers were assaulted by persons with mental illness. The Treatment Advocacy Center reports that, in

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## OTHER VOICES

*Editorial views on criminal justice issues from the nation's newspapers.*

### Taser benefits outweigh risks; dangers appear minimal

The potential for saving lives is simply too great to decommission Tasers because of a few unfortunate and isolated incidents. Last month, for example, and much to the dismay of shocked witnesses, Aurora police Tasered a customer at a Chuck E. Cheese restaurant after a verbal dispute arose over whether he had paid his bill. In response, Mark Silverman, legal director for the American Civil Liberties Union in Denver, said the organization had asked police to "revise their Taser policies and move the Taser up their continuum of force, either to lethal force or just a notch below." To use it in a minor situation, he added, "is using force that is out of proportion." The difficulty with this logic, however, is that in a confrontation with police no one knows whether it will be "minor" until it is resolved. After the fact, it's easy to say "the man wasn't armed" or "he'd have calmed down, he just lost his temper." If the situation can be resolved with no lasting harm to anyone, so much the better. As for Tasers, their dangers appear to be minimal... While there have been more than 80 people who have died within days or hours of being shot with a Taser, the weapon has not been identified as a primary cause. We agree that police should establish clear procedures for Taser use, but the case for making them more restrictive, or as restrictive as the rules for firing a gun, has not yet been made... Tasers aren't unique. All the potentially negative issues bear watching. But so do the substantial benefits of this less-lethal weapon.

— *The Rocky Mountain News, March 27, 2005*

### In uniform: Houston police officers should follow the chief's example and wear the uniform properly and proudly

Houston Police Chief Harold Hurtt recently passed the exam to become a Texas peace officer, entitling him for the first time to

wear the official uniform of the department he leads. Now he can lead by example... A general order decrees that all officers save those under cover will dress in a professional manner. Those in uniform will wear the official blue shirt, navy pants with blue piping, hat with polished visor and black polished shoes. In a circular, Hurtt drew attention to changes he had made in grooming standards. Beards, visible tattoos and body-piercing jewelry are forbidden. With increased incidence of criminals posing as police officers to prey on motorists, real officers should look the part. Chief Hurtt is to be commended for trying to put the department's best foot forward.

— *The Houston Chronicle, March 26, 2005*

### Cop killings

Richmond Police Chief Rodney Monroe has done what his predecessor, Andre Parker, did not: the right thing. He has asked the U.S. Justice Department to investigate the spike in the use of deadly force by the city's officers in the past few years. An independent investigation of those incidents likely will lead to the conclusion that Richmond's cops have not become trigger-happy. Each incident is unique, and officers must react in seconds under severe stress to perilous circumstances. If force has been used inappropriately in some cases, the probable cause is the simple fact that cops are human, too. Yet a review might indicate the need for more, or better, training in how to defuse confrontations, employ non-lethal methods to apprehend suspects, or keep better paper trails on programs and practices related to the use of force. If so, the new chief should take the suggestions to heart. The principal advantage to be gained from a use-of-force review would involve simply clearing the air and removing any lingering suspicion that the Police Department is shielding its own or trying to hide something. Promoting trust between policemen and citizens is valuable not only for its own sake, but also because such trust helps prevent and solve crimes — a goal on which the department and the public ought to be united.

— *The Richmond (Va.) Times-Dispatch, March 20, 2005*

### Note to Readers:

*The opinions expressed on the Forum page are those of the contributing writer or cartoonist, or of the original source newspaper, and do not represent an official position of Law Enforcement News.*

*Readers are invited to voice their opinions on topical issues, in the form of letters or full-length commentaries. Please send all materials to the editor.*



# 'The dutiful heart' proven in CIT training

Continued from Page 13

2003, 62 persons with mental illness were killed by law enforcement and 13 officers lost their lives in confrontations with persons that were mentally ill. Do you see a trend?

Why do I advocate de-escalation with a population that can be dangerous? As officers, we often hold the power in these situations. By our actions and words, we can choose to escalate or de-escalate. CIT provides a tool to learn de-escalation, thereby protecting our officers and our citizens. I believe CIT can change those statistics.

If you are not particularly impressed by safety issues, are you interested in saving money? CIT saves taxpayer dollars. Whenever CIT is in place, the calls for the SWAT team go down, and so does the work of hostage negotiators.

CIT training is usually free to law enforcement. Still, you are probably balky at the idea of taking your officers off the street for the 40-hour training. Can't afford to do it, you say? You can't afford not to.

We cannot realistically discuss the topic of cost-effectiveness without raising the issue of civil liability for law enforcement agencies. Recently, in a California civil suit, officers who shot and killed a mentally ill woman who had brandished a knife at them were found 80 percent responsible for her death. The reason? Not once did any of them try to de-escalate the situation. When a mentally ill person in crisis loses his or her life to police bullets, the family and the community are quick to look at the training, or lack thereof, that the city has provided its police force. De-escalation is at the heart of the CIT program.

CIT also saves officer's time, also saving money. How? For every arrest, officers must testify in court. Many cases involve multiple continuances, meaning that we spend countless hours hanging around courtrooms waiting for our cases to be called. This takes us off the streets. Wouldn't you rather learn techniques that promote officer safety, lessen potential liability, and save your department time and money?

I attended a 40-hour CIT training program in Memphis in 1999, when I was the director of training for the Akron, Ohio, Police Department. With the assistance of our local mental health board and the county chapter of the National Alliance for the Mentally Ill (NAMI), the first Ohio CIT program was conducted in May of 2000 for 20 volunteer Akron police officers and three fire/EMT supervisors.

Today, I believe that Ohio has more CIT-trained law enforcement agencies than any other state. Our more than 1,000 CIT-trained officers span 30 of the state's 88 counties. When I retired in September 2002 after serving 25 years as a police officer, the Akron P.D. had 50 CIT officers. In Summit County we conducted one CIT training every six months. We had our county sheriff's department on board, as well as most of the police departments in the area. We even had implemented CIT on the University of Akron campus. Around the state, Toledo and Lorain County were in the CIT fold.

Today, every major city in Ohio either has CIT (Cincinnati calls its program Mental Health Response Team) or is in the planning stage. In addition, we have established an acceptable version of CIT for the Rural Community.

How did Ohio go so far, so quickly with

CIT? There are several reasons. First, since retiring, I am freer to travel, freer to speak frankly with police executives. Second, in Ohio, there is now a very strong bond between local law enforcement, NAMI and mental health administrators. Finally, CIT has gained significant momentum in recent years in Ohio due to the formation of the Advisory Committee on Mentally ill in the Courts, established and chaired by Justice Evelyn Lundberg Stratton of the Ohio Supreme Court. This statewide committee, comprising 50-plus members from all levels and agencies of the criminal justice and mental health systems, created a Police Training Committee, which I chair.

A member of the Council of State Governments, to which most states belong, recently approached our committee with the idea of doing for other states what we have done in Ohio. At the same time, the federal Bureau of Justice Assistance has formed a new division to assist communities that have actually formed partnerships among law

enforcement, mental health, and advocacy groups such as NAMI to establish jail diversion programs for the mentally ill.

President Bush selected Michael Hogan, the director of the Ohio Department of Mental Health, to lead the President's New Freedom Commission on Mental Illness. The commission recently released a report calling for sweeping reforms in the way law enforcement and the courts do business with mentally ill individuals.

We could make things so much easier by sharing what we have learned over the years to help other states avoid the mistakes we had made early on. The real key is establishing partnerships. Sometimes this is no easy task due to differing agendas and a misunderstanding of each other's roles and duties. Walking in each other's shoes through ride-alongs and sit-down meetings usually clears up that problem.

This training is in such demand and spreading so quickly that it is fast becoming the rule in law enforcement rather than the

exception. The 40-hour state-of-the-art crisis intervention training is evidence-based. It works.

The time is right. Do not wait to get this training after "the horse has left the barn" and you are facing a lawsuit and/or criticism from the media because of an injury or death to a mentally ill person or a police officer.

*[Editor's note: The first official National CIT Conference is scheduled for May 12-13, 2005, in Columbus, Ohio. Major Sam Cochran and Dr. Randy Dupont, who started CIT in Memphis, for which they were named winners of the 2000 Law Enforcement News People of the Year award [see LEN, Dec. 15/31, 2000], will be among those speaking and leading hands-on workshops.]*

*(Michael S. Woody retired as a lieutenant from the Akron, Ohio, Police Department. This is his second article on this subject for Law Enforcement News [see LEN, Feb. 14, 2003]. For more information, you may contact Woody at michael.s.woody@earthlink.net.)*

## Uneasily, chiefs wait to get slammed by Bush budget cuts to Justice programs

Continued from Page 1

Association of Chiefs of Police. Even if Congress restores funding at 2005 levels to those programs targeted for elimination, he told The (Wilkes-Barre, Pa.) Times Leader, "the number is still only going to be about half of what law enforcement received just three years earlier."

Over the past five years, the Corpus Christi, Texas, Police Department has received more than \$1 million in Local Law Enforcement Block Grants. It has split each year's funding with Nueces County since 2003. This year, the department is expecting \$300,000.

The police department had planned to use the money to purchase a hostage negotiation phone, and a water tank bullet capture system which would provide better safety for ballistic technicians than the cotton tank they are using. Cmdr Brian Uhler told The Corpus Christi Caller-Times.

In Tulsa, a \$375,000 grant earmarked to pay salaries for three new school resource officers for three years will be eliminated, as will another one for \$250,000 that has been used by the department to fund services for children found in homes with methamphetamine labs. That one expires on Aug. 31.

"We would be really hurting if we didn't have federal money, and, obviously, our budget is tight the last few years," said Cpl. Art Surratt, the agency's grant coordinator.

If Tulsa loses its federal funding, he told The Tulsa World, the department would look for other grants that would keep its school resource officers.

"If they were to pull the school resource officers and put them back in a beat, the field officers would notice it," said Capt. Eric Dalgliesh. "The schools would notice it, and the division as a whole would notice it."

Another source of federal funding that may dry up is the High Intensity Drug Trafficking Area (HIDTA) program.

In the West Virginia counties of Kanawha and Putnam, a HIDTA grant and a Justice Assistance grant account for more than two-thirds of the budget for the Metropolitan Drug Enforcement Network

### eBay-savvy chief makes budget-dollar go further

When his \$88,000 budget won't cover the bill, an enterprising police chief in Donegal, Pa., goes searching for laptops, patrol cars and other big-ticket items on the Internet, where he buys them for a fraction of what they would otherwise cost.

There are very few things that Ethan Ward will pay full price for. These may include body armor, radios and sirens. But for most everything else his three-man department needs, Ward looks on eBay.

He has purchased Vascor timing devices used for catching speeders for \$100 each on eBay. They usually cost \$3,500. Panasonic Toughbook laptop computers were had online for \$150 each, instead of \$3,200. And a 2000 Ford Crown Victoria was snatched up for \$4,500 by Ward, who drove two hours to a

West Virginia car auction. The same model with the same mileage would have cost \$7,000 from the U.S. General Services Administration.

"He does quite a bit with his budget," said Richard Homer, a sergeant with the neighboring North Franklin Township Police Department.

On a trip to Washington, D.C., recently for a conference, Ward scoured the Web for a better deal on a hotel room than the \$109 government rate. He found one, at the same hotel, for \$68.

Last year, he doubled his department's budget with five grants for equipment and training worth \$90,000.

Oh, and the department's Internet service is free through a National Center for Rural Law Enforcement program that Ward discovered.

Team. The 18-member unit does most of the methamphetamine lab cleanups in the region.

Without federal money, the MDENT, as it is known, would lose 86 percent of its funding, said Kanawha County Sgt. Steve Walker. Right now, the grants provide \$500,000 of the \$600,000 budgeted for the county's operation.

"The Metro Drug Unit as it's now known won't be around," Walker told The Charleston Gazette.

Houston also stands to lose a \$3 million a year grant from the HIDTA program. An additional \$7 million is distributed to the 16-county Greater Houston region. Said Chief Harold Hurtt: "Losing this influential and successful program will unnecessarily weaken and compromise our sustained attack on the supply of drugs."

The Bush administration's budgetary chopping block also targets the Juvenile Accountability Block Grant program, which

provided \$54 million to the nation's prosecutors this year to help them address gang, violence and drug issues. Also eliminated is \$412 million from education, after-school and family support programs that help children stay away from gangs.

In Charlotte-Mecklenburg, N.C., a Gang Intelligence Unit could lose \$39,000 for a program that targets youths already in gangs or those looking for a way out of that life.

"Surprisingly, the president's budget calls for the elimination of many important youth violence and gang prevention programs," said Representative Diane E. Watson (D-Calif.), a member of the Congressional Black Caucus.

In Maine, COPS grants that help pay for 496 officers in local departments would be cut by 80 percent. The state would also lose funding for child and juvenile programs that will help prevent future crime waves, police and prosecutors maintained in a report released in March.







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 Law Enforcement News  
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 New York, NY 10019

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## WHAT THEY ARE SAYING:

"This is the backbone of our homeland security and if it's screwed up, it means our homeland security is screwed up."

— Imaging specialist Michael Cherry, on the concerns that have emerged recently regarding the accuracy of digital fingerprints. (Story, Page 1.)